

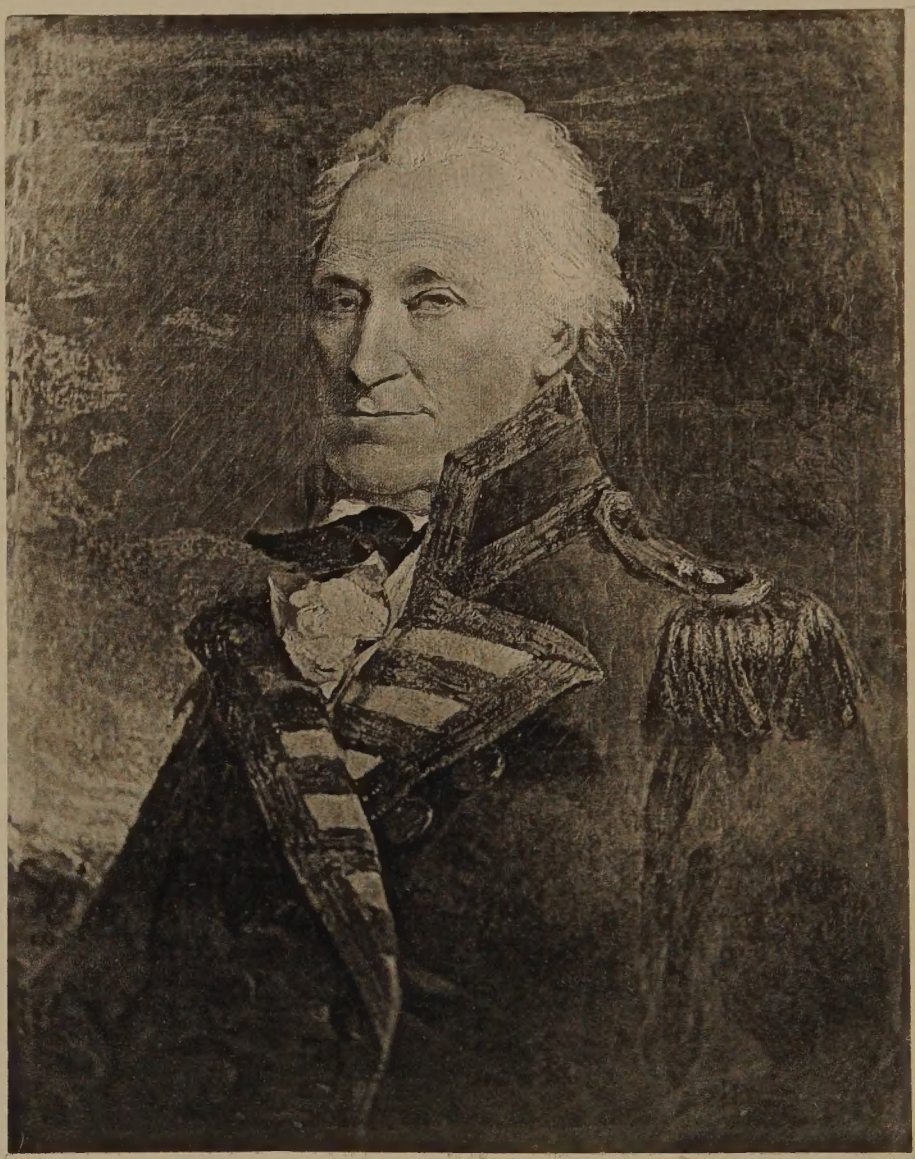
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GOVERNOR HUNTER.

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HISTORY

OF

NEW SOUTH WALES

FROM THE RECORDS

Vol. II.—PHILLIP AND GROSE

1789–1794

BY

ALEXANDER BRITTON

EDITED BY

F. M. BLADEN

BARRISTER-AT-LAW



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NOTE.

Upon the death of the Author—Mr. Alexander Britton—his manuscripts and rough proofs were placed in the Editor's hands to prepare them for the press.

The publication of Vol. II of the Historical Records of New South Wales, containing the State Papers on which, for the most part, the present volume is founded, absorbed a large portion of the time which has elapsed since the Author's death. The work has not, however, suffered from the delay.

It has been the Editor's aim to carefully keep in view the known intentions of the Author, and to present the volume to the public as nearly as possible in the form it would have taken had Mr. Britton lived to supervise its publication.

The Editor desires to acknowledge the obligations he is under to the members of the History Board—Messrs. R. C. Walker, Chairman; Alexander Oliver, M.A., President of the Land Appeal Court, and formerly Parliamentary Draftsman; and Professor G. Arnold Wood, M.A., Challis Professor of History in the Sydney University.

F. M. B.

Sydney, December, 1894.

CONTENTS.

	Page
Phillip and Ross	1
The Famine of 1789–90	16
The Wreck of the Guardian	38
The Second Fleet	52
Despatches from England...	71
The New South Wales Corps	89
The disposal of Crown Lands under Phillip	112
Progress of the Settlement after the arrival of the Second Fleet	136
Settlers on the Soil	155
The Third Fleet	172
Emancipation	189
The Natives	197
Phillip and Dawes...	203
State of the Settlement in 1792	209
Phillip resigns	229
Lieutenant-Governor Grose—a change of Government	236
Food Supplies under Grose	244
Grose and the Land	252
The Progress of Agriculture	265
The Traffic in Spirits	270
Religious Instruction under Grose	276

Page

Changes effected by Grose 288

Grose's treatment of King 293

APPENDICES :—

A. Services of Brevet-Major Robert Ross 321

B. Disaster to H.M.S. Guardian 322

C. Ground in Cultivation, 16th October, 1792 333

D. Enabling Act—Remission of Sentences 334

E. Form of Absolute Pardon 336

F. Form of Conditional Pardon 338

G. Form of Ticket-of-Leave 340

ILLUSTRATIONS.

Governor Hunter	*Frontispiece*	
Lord Grenville	*to face page*	71
Facsimile of Grose's Handwriting	„	93
Autographs of Officers of New South Wales Corps	„	95
Captain Macarthur	„	98
Tombstone of the First Settler	„	157
Facsimile of Deed of First Land Grant	„	158
Plan of Land Grants near Parramatta	„	162
Charts of Jervis Bay	„	172
Viscount Melville (Henry Dundas)	„	209
Major Johnston	„	230
Judge-Advocate Collins	„	265
Rev. Richard Johnson	„	276
Rev. Samuel Marsden	„	282
Governor King	„	293
The Duke of Portland	„	315

HISTORY

OF

NEW SOUTH WALES.

PHILLIP AND ROSS.

1789

From August, 1789, to February, 1790, the Records are silent concerning the relations which existed between Governor Phillip and Major Ross. This very silence may, however, be an indication that the terms upon which they were well known to stand with each other had not improved. It is evident from the correspondence of August, 1789,* that the Governor and Lieutenant-Governor had each taken steps to represent his case to the authorities in England. Phillip, in the meantime, displayed the greatest forbearance and self-control. He was, apparently, content to let matters rest; and if he did not forget the disagreeable subject, he kept it out of view as much as possible. Ross, on the other hand, seems to have nursed his wrath to keep it warm. At length the resentment that had been smouldering for six months showed itself openly in February, 1790, when Phillip was given to understand—the intimation seems to have come from Ross—that he had not paid proper attention to certain complaints which the Lieutenant-Governor had made regarding the conduct of the Judge-Advocate, Captain Collins. The matter is dealt with at some length in Phillip's letter to Nepean, 12th February, 1790.†

Phillip's policy.

Ross's.

Complaints against Collins.

The complaints made by Ross were trivial in the extreme; and—such as they were—had been explained, at the time,

* Historical Records, vol. i, part 2, pp. 262-265. † Ib., p. 301.

1789 in a manner that would have satisfied anyone whose judgment was not warped by jealousy and pride. The circumstances out of which they arose were as follows :— Phillip, on the morning of Saturday, 22nd August, 1789, directed Captain Collins, who acted as his secretary as well as Judge-Advocate, to communicate certain instructions to an officer who was superintending some works at Sydney Cove. Collins forgot all about the order until the following Monday, when he carried it into effect. In the interval, Phillip had gone to Rose Hill, and Ross was in charge at Sydney, by virtue of his Commission as Lieutenant-Governor.

A breach of official etiquette.

According to official etiquette, instructions intended to be executed during the Governor's absence should have been given through the Lieutenant-Governor ; and because this rule was not observed, Ross made a formal complaint to the Governor, declaring that an insult had been offered to him, "in my character of Lieutenant-Governor." The matter was fully explained by both Phillip and Collins ; and the incident, which was not worth a moment's attention, might well have been allowed to drop. Ross having revived it, Phillip was induced to give an explanation to Nepean, and at the same time to take notice of other points which he had passed over in his correspondence with Ross. In his letters to the Major he kept as nearly as possible to the subject in hand, refraining from allusions of a personal nature. Ross, on the contrary, was nothing if not personal. He prefaced his complaint about the Judge-Advocate with an ill-concealed sneer :—

Status of the Lieutenant-Governor.

"It would be presumption in the extreme in me to suppose your Excellency not to know that when either duty, business, or pleasure may at any time induce your Excellency to absent yourself from this Cove, there cannot then remain in it any authority superior to that of the Lieutenant-Governor."*

An unjust insinuation.

This might have been intended as an insinuation that Phillip had gone to Rose Hill on a pleasure excursion,

* Historical Records, vol. i, part 2, p. 262.

leaving the work and responsibility of the command on the shoulders of his lieutenant. Having thus formulated his complaint, Major Ross aired another grievance, of which Phillip, up to that time, was in complete ignorance. He was Lieutenant-Governor of the settlement; he had been honoured with a Commission from the King, appointing him to that position; but the Governor had not respected his office—instead of confiding in his lieutenant, he had ignored him :— 1789

A second grievance.

"Should your Excellency say—and I cannot possibly bring myself to think you will—that you, on going away from here, left your orders relative to the employing convicts with the Judge-Advocate, in place of leaving them with the Lieutenant-Governor, I have in such case to request that you will please to explain to me the line of conduct which, as Lieutenant-Governor of this settlement, you wish me either to preserve or follow, assuring yourself that I shall endeavour to pursue that line, at least till such time as a power superior to either of us shall determine the bounds of both, and redress our grievances. At present I acknowledge myself as much in the dark with respect to the line of conduct you expect me to pursue as Lieutenant-Governor, or what you expect from me, or what I shall do, as I was the first day of our meeting in London."*

Ross asks for an explanation

Phillip took no notice of these reproaches. In his reply to Ross, he contented himself with expressing a wish that the peace of the settlement might not be disturbed, and requested the Major to be a little more guarded in his language when speaking to the convicts.† But when, six months after the event, Ross complained that proper attention had not been paid to his representations, he deemed it advisable to explain matters to the authorities in England. This step he probably considered the more necessary as he knew that Ross was in communication with Nepean of

Phillip's reply.

* Historical Records, vol. i, part 2, p. 263.

† A convict went to Ross to tell him that his time had expired, when the Lieutenant-Governor exclaimed, "Would to God my time was expired too!" —Ib., p. 265.

1789

Phillip informs Nepean.

the Home Office and Stephens of the Admiralty.* He accordingly wrote a letter to Nepean, 12th February, 1790,† in which he dealt at some length with a subject that he thought had been buried half a year before. Ross's insinuation that the Governor left Sydney for Rose Hill on pleasure bent was met by Phillip with some warmth, and with more than a hint of *suggestio falsi* on the part of his adversary:—

An indignant denial.

"As to parties of pleasure, he [Major Ross] knew likewise that I had never been a day, and very seldom an hour, on that account; and he might have known that my absence which gave room for his complaint against the Judge-Advocate was at a time when my state of health was such that I should have been better pleased to remain in my bed than to have gone to Rose Hill to sleep on the boards in a hut belonging to the man who has the direction of the convicts. A journey I made soon after we landed fixed a complaint in my side which has rendered the fatigues of examining the country round us, not parties of pleasure, but parties in which nothing but a sense of duty and necessity would make me engage."

An energetic Governor.

The active part taken by Phillip in these exploring expeditions, and the character of the work he did, may be seen from the chapter "Phillip and Exploration."‡ It is evident that he regarded Ross's innuendo, at the time it was made, as quite unworthy of serious notice, and in all probability he would have said nothing about it to Nepean, or to any other English official, but for the suspicion he appears to have entertained that an incorrect version might reach the authorities.

The assertion that Phillip had withheld from the Lieutenant-Governor the confidence he should have reposed in him—that he had kept him "in the dark"—invited a further

* In a letter to Nepean, dated 16th November, 1788, Ross complained that Phillip "communicates nothing to any person here but to his secretary (Captain Collins)."—Historical Records, vol. i, part 2, p. 212. See also Secretary Stephens's letter to Major Ross of 9th March, 1791.—Historical Records, vol. ii, p. 444.

† Historical Records, vol. i, part 2, pp. 301–304.

‡ Vol. i, pp. 134–169.

rejoinder. From Phillip's own account* it is apparent that Ross from the first regarded himself as slighted. He was entitled, he considered, to share in the counsels of the Governor, but he was not asked for assistance or advice—he was passed over. One matter in connection with which Ross thought himself "entitled to more confidence than had been placed in him" was the selection of the site of the settlement. We have not his complaint in his own words; but the purport of it can be gathered from Phillip's account of the circumstances. It appears that some months after the landing at Sydney Cove, Ross, in conversation with Phillip, professed his ignorance, real or pretended, of Phillip's intentions in regard to continuing at Sydney Cove or abandoning it for a more eligible site, remarking at the same time that, before leaving England, he had been given to understand by Lord Howe—then first Lord of the Admiralty—that the exact part of the coast on which the settlement was to be made had not been finally determined upon.

1789

Official jealousy.

Selecting a site.

This, however, was not a special piece of information confided to Major Ross alone. It was generally known that the commander of the expedition had authority to abandon Botany Bay and plant the settlement elsewhere if he considered it advisable to do so; and Lord Howe, doubtless, meant no more than this. But after the selection of Sydney Cove no one but the Major seems to have had a thought of change. Not the faintest idea of such a thing is to be found in the writings of Collins, Tench, White, or Hunter, and no trace of it can be discovered either in Phillip's official despatches or in his private letters to his friend Nepean. Ross's grievance, therefore, if put forth in good faith, was purely imaginary. It is true that Phillip had reason to think afterwards that Parramatta would have been a better site, but at the time he was not aware that such a place existed. One would think from the nature of Ross's complaint that he was under the apprehension that the little colony was

Sydney Cove decided upon.

* Historical Records, vol. i, part 2, p. 302.

1789 liable to be uprooted and packed off to some other part of the coast at a week's notice, to suit the caprice of the Governor.

An interview.

Finding the Lieutenant-Governor in this frame of mind, Phillip did what he could to "remove so groundless a cause of discontent." Ross, at his request, came to him the next day, when "I read to him," wrote Phillip, "every part of my Instructions relating to the settlement, and he left me, I thought, fully satisfied and contented." But he was anything but satisfied, as his subsequent actions show, and Phillip could only obtain peace and quietness by sending him to Norfolk Island as Lieutenant-Governor. After the interview at which the Instructions were read over, Phillip discussed at some length with Ross matters affecting the welfare and management of the settlement, and it was agreed that he should take charge of the convicts on the west side of the Cove, while Phillip kept control of those on the east side. "The Lieutenant-Governor," added Phillip, "then very well understood what I expected and wished, and on every occasion I readily acknowledged the assistance I received; but a warmth of temper, which has been the source of many discontents, has obliged me for some time past to avoid, so far as the service permits, calling on the Lieutenant-Governor otherwise than as the Commandant of the detachment."

A compromise.

The peace of the settlement.

One of Ross's complaints was directed against that part of Phillip's letter of 27th August, 1789,* in which he asked that the peace of the settlement might not be disturbed, and that the Lieutenant-Governor would be a little more guarded when speaking to the convicts. In dealing with this matter, Phillip is more animated than usual:—

"The Lieutenant-Governor has complained of that part of my letter in which I request that the peace of the settlement may not be disturbed, but have I not had sufficient cause to make that request? Has not representation or complaint been too frequent?

* Historical Records, vol. i, part 2, p. 265.

Was not the answer given by him to a convict followed by a behaviour on the part of that wretch which drew on him a severe sentence from the Criminal Court? Did not the Lieutenant-Governor, when that convict was under examination, behave in such a manner to Captain Hunter and the Judge-Advocate that the former wished to be excused attending one day in the week as a Justice of the Peace, that he might not subject himself in future to such treatment when acting as a Magistrate; and the latter wished to resign his office of Judge-Advocate, in consequence of the treatment he had received from the Lieutenant-Governor and Captain Campbell, in the presence of convicts and others? I quote the words those officers made use of when they represented that matter to me. And did not the Lieutenant-Governor's conduct, as it appears from the evidence of several of his officers, when Captain Campbell refused the duty of the Criminal Court, bring this settlement to touch on the moment of a general confusion?"* 1790 Ross and the convicts. A crisis

Ross's incessant complaints had a result which he probably did not anticipate. Phillip, who for so long a time had been as forbearing as Ross had been irascible, was at length thoroughly aroused, and in his semi-private letter to Nepean, quoted above, he spoke his mind in a way which gave the Under Secretary a clearer view of Ross's conduct than he had been able to gain from the formal despatches, which were guardedly written, and confined strictly to matters that had been brought officially under the notice of the Governor. The conduct attributed to Ross by Phillip might have formed the basis of a charge which would have been difficult to answer; but Phillip's object was to keep peace, not to assert his authority; and he had very good grounds for telling Nepean† that, if his forbearance did not lay him open to censure, he had no reason to apprehend blame. His consideration for Major Ross, who deserved so little, is shown by the manner in which he vindicated himself. Had he written direct to the Secretary of State, the authorities could scarcely have avoided taking action; and the Phillip speaks his mind His consideration for Ross.

* Vol. i, pp. 410–420; Historical Records, vol. i, part 2, pp. 303. † Ib.

1790 consequences to Ross might have been very serious indeed. Instead of doing that, he sent a semi-private letter to the Under Secretary, who was a personal friend, and added this sentence as a postscript :—

A private letter.

"After reading this letter, which I have written in haste, and with a desire of explaining how little reason there has been for complaint, I think it appears so like a letter to justify my own conduct that I wish you only to lay the enclosed letters* before L'd Sydney, and explain to his L'dship that the preamble in the Lieut.-Gov's letters was not noticed in my answer,† as I did not think it merited any attention."

A politic move.

This was a judicious step on the part of Phillip. He knew that the letter was not one that Nepean could keep to himself, but that it must, in the regular order of things, be laid before the Secretary of State, and be brought under the notice of the Lords of the Admiralty, to whom Ross was immediately responsible; and he also knew that coming in the way it did it would not necessarily lead to action on the part of either the Home Office or the naval authorities. In this way he justified his own conduct without making a case against the officer who had thwarted and embarrassed him so sorely.

The Admiralty replies to Ross.

So far as can be ascertained, Nepean did not reply to Phillip's letter—no answer, in fact, was required. To Ross's complaints, which were addressed to the Secretary of the Admiralty, a short reply was sent that "their Lordships are much concerned that any disagreement should have arisen between the Governor and yourself";‡ and as Ross was to return to England by the vessel which carried this letter, he was informed that it was not deemed necessary to answer his communications minutely. It does not appear that anything was done in the matter after Ross arrived in England.

* Ross's letter to Phillip, Collins's letter to Phillip, and Phillip's reply to Ross, referred to ante, pp. 2 and 3. The letters are given in full in vol. i, part 2, of the Historical Records, pp. 262–265.

† Phillip refers here to Ross's allusion to "parties of pleasure," of which he took no notice in his reply of 27th August.

‡ Historical Records, vol. ii, p. 445.

In a letter of 19th February, 1791,* Lord Grenville, replying to Phillip's despatches of the 1st and 12th February, 1790,† expressed disapprobation of Ross's conduct, but he qualified his remarks by intimating that his judgment was formed solely on Phillip's account of the transaction:— 1791 Grenville's disapproval.

"The proceedings of Major Ross and Captain Campbell, according to your representation, appear to have been in many instances but ill-calculated to promote that good understanding so essentially necessary for securing the prosperity of the colony."

But, assuming Phillip's account to be correct, he had no hesitation in expressing his opinion:—

"On all services, but particularly of this nature, it is of great importance that persons of all descriptions should accommodate themselves to the circumstances and situation, and that they should most carefully avoid any nice distinctions in point of duty which might tend to occasion embarrassment in the execution of the public service. His Majesty has always in view the proceedings of his officers when placed in those situations, and will judge of their merits by the conduct they observe on such occasions." Necessity for discipline.

The reservation in the first sentence was an injustice to Phillip. He had been scrupulously accurate in his "representations," as Grenville might have ascertained; and the accounts he gave of Ross's proceedings were substantiated by trustworthy evidence. If he made any error, it was in understating his case. The point was taken up by Phillip with a warmth that is not often seen in his communications to the Secretary of State. In his reply of the 15th December, 1791, he wrote— An unjust reservation.

"I beg that your Lordship will permit me to say that the representations I have made of the conduct of those officers [Ross and Campbell] are just and impartial, and which do not admit of a doubt. I believe Major Ross's or Captain Campbell's friends could not have represented their conduct in a more favourable point of view without having deviated from truth; and the representations I made appeared to me to be necessary for the good of his Majesty's service."‡ Phillip's reply.

* Historical Records, vol. i, part 2, p. 457. † Ib., pp. 288 and 293. ‡ Ib., p. 570.

1791

A protest.

Phillip wrote respectfully, but his words were nevertheless a protest against Grenville's reluctance to accept his statements. If the Minister, when he wrote his despatch, entertained the slightest doubt as to the accuracy or justness of Phillip's version of the conduct of Ross and Campbell, it must have been dissipated by the light that was thrown on the subject when the detachment returned to England. If anyone was distrusted after this, it was not Phillip. He continued to enjoy the entire confidence of the British Government, and when at last he was compelled to retire from his post his resignation was accepted with unfeigned regret.*

Phillip's career;

Ross's.

Ross's career in New South Wales closed in a very different manner. The reports which reached England early in 1789 of "discontents" among the marine officers led to the recall of the detachment, which was replaced by the New South Wales Corps, raised in England by Major Grose. Ross, after eighteen months' service in Norfolk Island as Lieutenant-Governor, left for England with the greater part of the force in the Gorgon, on the 18th December, 1791. It does not appear that he obtained, on his return, promotion or any other mark of confidence on the part of the Government. On the other hand, there is evidence that his conduct towards Captain Meredith was highly disapproved of.

Arrest of members of Court-martial.

One of the earliest troubles connected with the military arose out of the extraordinary step taken by Ross in March, 1788, in placing under arrest the members of a Court-martial† for refusing to alter a sentence which it had passed on Joseph Hunt, a private of marines, accused of striking a comrade. The Court found that the charge was proved, and sentenced the prisoner "either to ask public pardon before the battalion of William Dempsey, the soldier whom he struck and injured, or to receive one hundred lashes

* Historical Records, vol. i, part 2, p. 625.

† Captain Tench (President), Lieutenant Kellow, Lieutenant Davey, Lieutenant Poulden, Lieutenant Timins.—See Vol. i, p. 294.

on his bare back, by the drummers of the detachment, and where the commanding officer shall appoint." Ross regarded this sentence as contrary to martial law, because it gave the prisoner an alternative; and he called upon the Court to review its decision. The Court declined to alter the sentence, whereupon the Major sent the President (Captain Tench) a written order, by the Adjutant, to convene the Court a third time. The reply, signed by all the members of the Court, was that according to the 10th Article of the Act of Parliament for the regulation of the marine forces while on shore, no sentence passed by any Court-martial and signed by the President could be revised more than once. Ross was not satisfied with this reply. The Court-martial, he declared in a letter to Phillip, "seemed determined to wrest all power from the commanding officer," and he accordingly put the President and members under arrest for "disobedience of orders." When Phillip was informed of what had occurred, he endeavoured to reconcile the parties, but failed. The officers considered themselves injured by the arrest, and demanded to be tried by General Court-martial, but as there was not a sufficient number of officers in the colony to form a Court, the inquiry could not be held. They were ordered by Phillip to return to their duty until a General Court-martial could be assembled, and did so. Technically, they were under arrest, but they were under no actual restraint whatever. They complained bitterly, however, of the indignity they suffered, and of losing their chances of promotion; for, so long as they were under arrest, although the "arrest" was a mere form, they might, if changes were made in the service, "have been passed over as prisoners who had forfeited the common claim of service."

1788

Circumstances of the case.

Attempted reconciliation.

Officers return to duty.

On 25th March, 1791, three years after the arrest, they appealed to Phillip.* According to the Act of Parliament† "for the regulation of his Majesty's Marine Forces while on

Appeal to Phillip.

* Historical Records, vol. i, part 2, p. 482.

† 26 Geo. iii, c. 7, known as the Marine Mutiny Act.

1791 shore," no person could be tried for any offence, desertion excepted, committed more than three years before the issue of the warrant. That time having expired, Captain Tench and the other officers who had constituted the Court asked that the arrest might be removed. They made the application :—

Statement of officers.

"Not as culprits, conscious of having committed a crime which we shrink to have investigated, or hesitate to meet, but as soldiers indignant at the novelty and disgrace of a situation unexampled in the British military annals—the members of a Court-martial under arrest on a charge which, if proved against them, extends not only to the deprivation of their most gracious Sovereign's favour and dismission from the service, but to the forfeiture of their lives and honours, doing duty as prisoners, from the necessity, of service, for three years. . . . . While a hope of relief from our situation by the decision of a General Court-martial existed we were silent—we were patient. That hope is now at an end, and, therefore, to remain without representation longer in our present degraded situation would argue that we are become insensible of ignominy and familiar with humiliation."

Their wounded feelings.

The situation was, no doubt, galling to the officers concerned, but the language employed in describing it was unnecessarily strong. Captain Tench and his companions in misfortune were not in a "degraded situation," nor were they exposed to "ignominy." Their status in the community was no lower than it was before they were placed under arrest. They were not regarded as men in disgrace, but rather as the victims of an extraordinary and unwarranted assertion of authority on the part of their commanding officer. If they suffered at all, it was in the loss of promotion; beyond that they could not complain of any material injury. But they had been brooding over their wrongs for three years in a place where there was little to divert their attention from their personal grievances, and the circumstances may, perhaps, excuse the extravagance of language which led them to ask for release from the "confinement under which we have so long laboured."

1792

Ross to blame.

However, this over-statement of the case does not excuse Major Ross. He was entirely in the wrong. The refusal of a Court-martial to alter its finding was not a valid ground for placing its members under arrest. If the Court had submitted to the Commandant's dictation, trial by Court-martial would have been reduced to a farce.

He exceeds his authority.

Ross certainly was not responsible for the delay which kept these officers in suspense for three years, and in the end prevented any inquiry from being made into either his conduct or their own; but the step he took was an unwarrantable exercise of authority; and if an investigation had been held he would probably have been severely censured.

An appeal to the Admiralty

After their return to England the officers concerned moved the Admiralty with the object of having their own conduct cleared up and that of Major Ross reviewed, but they were unsuccessful. On the 22nd September, 1792, Captain Tench sent to the Lords of the Admiralty, through General Collins, the officer in command of the division of marines at Plymouth, a memorial requesting that a General Court-martial might be held to investigate his conduct, "not only with respect to a transaction mentioned in a letter from Major Ross, publicly read at the Court-martial lately held on Captain Meredith, but also as President of a Detachment Court-martial, notwithstanding the lapse of three years specified in the Marine Act of Parliament." But if he was denied a General Court-martial on himself, "he steps forward to charge Major Ross, as Commandant of the battalion of marines in New South Wales, with tyranny and oppression," requesting at the same time that the Major might be tried by General Court-martial, with this condition, that the charges should include among other instances of Ross's misconduct that of his putting the Court-martial under arrest. If this request had been granted, Major Ross would have found it difficult to justify his conduct. But the Lords of the Admiralty did not consider it necessary to appoint a

disallowed.

1792 General Court-martial to inquire into the statements contained in Ross's letter;* and Tench was informed that neither his conduct as the President of the Court-martial at Sydney, nor that of Major Ross in putting the members of it in arrest, could now, from lapse of time, be investigated. So that Tench and his fellow-sufferers were unable to obtain any satisfaction.

Captain Meredith

The case of Captain Meredith† had nothing to do with the complaint of Tench and his brother-officers, but if a General Court-martial had been granted, Ross's treatment of Meredith would doubtless have been used by Tench as an evidence of the "tyranny and oppression" with which he charged the Major. Captain Meredith had been suspended by Ross two years before, as stated in a leter from Phillip to Stephens, 10th April, 1790:—

suspended by Ross.

"The officer mentioned in the return as unfit for duty is Captain Meredith; he was suspended by Major Ross, who thought his conduct such as made a General Court-martial necessary; and that officer has requested that such Court-martial may be ordered, as he deems his conduct to have been such as he can justify."

The charge against Meredith.

What Meredith did to incur Ross's displeasure is not expressly stated, either in the charge or in the finding of the Court-martial; but the general accusation against him was "behaving highly improper as an officer, and in his (Ross's) opinion tendening to the subversion of all subordination and injurious to military discipline." A more serious charge could scarcely be brought against an officer, but it was without foundation. For committing at the most a trifling fault this officer was placed in strict arrest, which lasted for two years and a half. During the whole of that time Captain Meredith was under the stigma which attaches to officers in such a position, and lost any chance of promotion which might have occurred in the interval.

* Historical Records, vol. ii, p 482.

† Historical Records, vol. i, part 2, p. 324; vol. ii, pp. 443, 471–473, 477, 478, 481.

1792

The hearing of the case, which was tried at Plymouth, before Adjutant Martin, as Judge-Advocate, lasted from the 3rd to the 18th September, 1792, and resulted in the honourable acquittal of the "prisoner." The sentence of the Court, which was approved by the Lords of the Admiralty, was at once a vindication of Captain Meredith, and a censure upon his accuser. It read as follows :—

His acquittal.

Finding of the Court.

"The Court is of opinion that the charge is groundless and malicious—groundless because the charge is not proved in either of its parts, and if it had been was of a venial nature, and for which ample atonement was made in the apology offered; and malicious from the long duration of the arrest and the unusual and unnecessary severity of it; and the Court doth therefore honourably acquit the prisoner."

Meredith's character vindicated.

This is not all. Taking notice of the fact that the prosecutor had made an unjustifiable assertion against the prisoner, which might injure him in public opinion, the Court thought it just and due to Captain Meredith to declare that it could see "no circumstance whatever to deprive him of the public good opinion or the respect of his corps." With the consent of the Lords of the Admiralty, the sentence and declaration were read in open Court. Only an outline of the case can be gathered from the materials at hand, but the facts set forth in the finding of the Court-martial throw a strong light on Major Ross's character. It is hardly too much to say that the proceedings in this case exhibit him as ill-tempered, tyrannical, and vindictive. No one who considers his treatment of Captain Meredith can feel surprise that he quarrelled with his officers in New South Wales and came into collision with the Governor. It does not appear that any action was taken with regard to him upon the finding of the Court-martial, but the publication of the sentence and declaration was a most severe reflection upon his character as a military commander.

An implied censure.

THE FAMINE OF 1789–90.

1789-90 A trying half-year.

THE summer of 1789–90 was a time of dreary monotony, aggravated by the keenest anxiety. No tidings had been received of the ships that were expected from England as early as September, 1788,* with supplies of provisions and clothing; and nothing of importance at the settlement occurred to divert attention from the miseries of the moment and the fears of impending famine. Even the discord among the military had subsided. The pressure of the circumstances must have been keenly felt by Phillip, but it was characteristic of the man that he never allowed a despondent word to creep into his despatches, nor did he sit down waiting for something to happen. With unceasing activity he devoted the resources at his command to the cultivation of the soil. He put the convicts to work at Rose Hill, and did his best to obtain good returns from their labour. But the results were not encouraging. Foremost amongst the obstacles that stood in his way was the scarcity of food, which so reduced the strength of the men that they were only able to work a few hours a day. They were altogether unequal to the heavy labour involved in clearing the land and tilling the virgin soil.

Phillip's attitude.

Scarcity of food.

In 1790 the question of supplies had become urgent. The First Fleet sailed from England in May, 1787, with provisions for two years, but no allowance had been made for accidents or contingencies. Fortunately, the storeships, with the exception of the Guardian, arrived at Sydney Cove in safety, but a portion of the provisions was damaged during the voyage, and a large quantity was destroyed by

* Historical Records, vol. i, part 2, p. 188.

1789-90

rats after the stores had been landed. Towards the close of 1789 no further supplies had been received from England, and the stock in hand had fallen so low that it became necessary to materially reduce the ration. Foreseeing some such difficulty, Phillip, soon after he had established the settlement at Sydney Cove, despatched the Sirius to the Cape of Good Hope for provisions, but the quantity she was able to bring—she returned in May, 1789—was less than was anticipated, being but four months' supply of flour for the settlement and one year's supply of provisions for her own company.* As the ships which were expected from England did not arrive, Phillip assumed that some disaster had overtaken one or more of them, and he decided that the time had come for economising the food in store. His fears as to the safety of the ships were soon afterwards justified by the intelligence that reached Sydney of the accident to the Guardian, and the loss of the greater part of the provisions she was bringing for the settlement.

Failure of supplies.

Temporary relief.

A reduction of one-third was accordingly made, on the 1st November, 1789, in the ration which had been served every Saturday to soldiers and male convicts, and which had originally been as follows† :—

The ration reduced.

7 lb. of bread or 7 lb. of flour.
7 lb. of beef or 4 lb. of pork.
3 pints of pease.
6 oz. of butter.
½ lb. of rice or 1 lb. of flour.

The reduction of one-third therefore left :—

4 lb. 10⅔ oz. of bread or flour.
4 lb. 10⅔ oz. of beef or 2 lb. 10⅔ oz. of pork.
2 pints of pease.
5⅓ oz. of rice or 10⅔ oz. of flour.

The butter had been exhausted two months before.

* Historical Records, vol. i, part 2, p. 324 ; vol. ii, p. 693 (note).

† Historical Records, vol. i, part 2, p. 143. Collins states (vol. i, p. 43) that 1lb. of flour had been deducted from those receiving full rations, and two-thirds of a lb. from those receiving two-thirds allowance, on the day the Sirius sailed, viz., 2nd October, 1788.

1789-90

A precautionary measure.

When reporting this reduction to the Home Secretary in his despatch of the 12th February, 1790,* Phillip explained that it was done "to guard against accidents." He estimated that the provisions by this means would last until the following June. The reduction applied to every person in the settlement (women excepted), and at the same time the companies of the Sirius and Supply were placed on three-fourths allowance.†

Improvident convicts.

In connection with this reduction of the allowance of food, Collins reports a fact which aptly illustrates the improvidence of the convicts. With a larger quantity of food at their disposal, men who possessed even the smallest particle of prudence would have been careful in its consumption, but with the majority of the people the contrary was the case. "It was soon observed," wrote Collins, "that of the provisions issued at this ration [two-thirds of the ordinary allowance] on the Saturday, the major part of the convicts had none left on the Tuesday night; it was therefore ordered that the provisions should be served in future on the Saturdays and Wednesdays. By these means the days that would otherwise pass in hunger, or in thieving from the few who were more provident, would be divided,

Semi-weekly issue of rations.

and the people themselves be more able to perform the labour which was required from them. Overseers and married men were not included in this order."‡ The plan of issuing the provisions weekly had been adopted, no doubt, to avoid unnecessary loss of time; but it is evident that if a

* Historical Records, vol. i, part 2, p. 299.

† Collins is slightly at variance with Phillip on this point. He says the ships' companies were placed upon two-thirds allowance. He pays a tribute to Phillip's humanity—a quality some critics have denied him—by the following allusion to a circumstance upon which Phillip, in his despatch, was silent:—"The Governor, whose humanity was at all times conspicuous, directed that no alteration should be made in the ration to be issued to the women. They were already upon two-thirds of the men's allowance, and many of them either had children who could very well have eaten their own and part of the mother's ration, or they had children at the breast, and although they did not labour, yet their appetites were never so delicate as to have found the full ration too much had it been issued to them."

‡ Collins, vol. i, p. 84.

change had not been made the state of the settlement would have been deplorable. Phillip makes no reference in his despatches to this reckless conduct on the part of the convicts, which would have caused a less sanguine man to despair of ever doing any good work with such wretched material, nor does Collins say that the Governor exhibited the anger and mortification which he might have been expected to feel. But Phillip, no doubt, had the circumstance in his mind when he assured Nepean, writing to him soon after the reduction of the ration, that although the people would not starve, "seven-eighths of the colony deserves nothing better."* 1789-90

Phillip's sanguine temperament.

Improvidence even less excusable was displayed not long afterwards by the convicts in killing the greater part of the live stock with which they had been entrusted.†

Up to this time (1st November, 1789) the men employed in cultivating the land had not suffered from short allowance of food, but there were other circumstances which militated against the success of Phillip's plans. The convicts were not only unused to field labour, they were also incorrigibly idle. The possibility of famine was regarded by them as too remote a contingency to necessitate a voluntary performance of their tasks; and Phillip, when the military refused to "interfere with the convicts," had only one man‡ he could trust with the duty of superintending those employed in clearing and cultivating the land. Recognising how hopeless it was to expect to make much headway against the natural indolence of the convicts, unless proper people were sent out as superintendents, Phillip repeatedly urged upon the authorities in England the necessity of sending out free men for this purpose, and warned the Secretary of State that unless this was done the convicts "would remain for

Obstacles to settlement.

Only one overseer.

* Historical Records, vol. i, part 2, p. 330.

† Post, p. 26.

‡ H. E. Dodd, who came out as Phillip's servant.—Historical Records, vol. i, part 2, pp. 296 and 470; vol. ii, p. 440.

1789-90

years a burden to the Government." "Numbers of them," he added, "had been brought up from their infancy in such indolence that they would starve if left to themselves."* If a staff of overseers accustomed to agricultural work could have been placed in charge, these disadvantages would have been reduced to a minimum. Under the circumstances it is not surprising that the "harvest" of 1789, the first recorded, was anything but a plentiful one. Phillip makes this report of it :—

The harvest of 1789

"In December the corn at Rose Hill was got in ; the corn was exceeding good. About two hundred bushels of wheat and sixty of barley, with a small quantity of flax, Indian corn, and oats, all which is preserved for seed. . . . . The officers have not raised sufficient to support the little stock they have. Some ground I have had in cultivation will return about forty bushels of wheat into store, so that the produce of the labour of the convicts employed in cultivation has been very short of what might have been expected."†

not encouraging.

Phillip does not give the area of land in cultivation, nor the number of men employed, but information on the latter point is supplied by Collins :—

"Upon a calculation of the different people employed for the public in cultivation it appeared that of all the members in the colony there were only two hundred and fifty so employed—a very small number indeed to procure the means of rendering the colony independent of the mother country for the necessaries of life."‡

Agricultural labourers.

It will not escape attention that Phillip did not regard the product of the land he had in cultivation as his private property. A still more striking instance of disinterestedness on his part in sending into the Government store his private stock of flour has already been alluded to.§

Officers as farmers.

Phillip, it will be seen, made a point of the failure by the officers to raise even enough corn to feed the few head of

* Historical Records, vol. i, part 2, p. 146.
† Ib., p. 299.
‡ Collins, vol. i, p. 51.
§ Vol. i, p. 106.

stock which they possessed, notwithstanding the advantage they enjoyed in having convict labour at their disposal. Possibly the officers were too much concerned about matters of domestic convenience to turn their attention to the cultivation of the ground, but however that may be, Phillip seems to have thought that convicts were wasted in being turned over to the military to be employed for private purposes.* His policy was to keep as many convicts as he could employed in the field, so that as large a return as possible might be made from the soil. He was desirous of giving convicts to settlers, who would see that their labour was not thrown away, but he did not care to waste them upon those who were unable or unwilling to turn them to good account. "The giving convicts to the officers," he wrote on the 12th February, 1790, "has been hitherto necessary, but it is attended with many inconveniences, for which the advantages arising to the officers do not make amends. It will not, therefore, be continued after the detachment is relieved, unless particularly directed."† In another despatch of about the same date he remarked:—

1789-90

Convict labour.

"It may be necessary to grant land to officers and soldiers who, becoming settlers, will, of course, be entitled to every indulgence; but few of the officers now here have reaped any great advantage from being allowed convicts; and it is attended with unavoidable inconveniences, from the convicts being left so much to themselves, and from their mixing with the soldiers. It may be found more to the advantage of the Crown, and the officers likewise, if officers on duty in this settlement were allowed a certain quantity of grain to support their live stock until they have a market to go to."‡

Land grants to officers.

* It must be borne in mind that at this time the military officers had no land of their own. They were allowed to cultivate the soil and enjoy the produce that was raised, but they had no property in the land, which belonged to the Crown. This was a standing grievance with them.—Post, pp. 119, 252. When the officers of the New South Wales Corps, two years later, obtained grants of land and the free use of convict labour, they set to work upon their holdings with great vigour.—Post, pp. 255, 289.

† Historical Records, vol. i, part 2, p. 300.

‡ Ib., p. 306.

1789-90

But Phillip's views did not commend themselves to the British Government, and the practice of allowing convict labour to officers for agricultural purposes was continued for many years afterwards.

A lookout station at South Head

With the advent of the year 1790 the crisis became acute.* The long-expected ships from England were watched for with feverish anxiety, and with the view of discovering their appearance on the coast at the earliest possible moment, a lookout station was established at South Head, where a flagstaff was erected from which the arrival of vessels might be signalled to Sydney Cove.† The officer first placed in charge of the station was Mr. Daniel Southwell, one of the mates of H.M.S. Sirius, who had a small party of the ship's company under his command.‡

* Some idea of the state of feeling in the community, as the months rolled on and no relief came, may be gathered from the remarks of Collins when the ration was reduced in November, 1789:—"Thus opened the month of November in this settlement, where, though we had not the accompanying gloom and vapour of our own climate to render it terrific to our minds, yet we had that before us, in the midst of all our sunshine, which gave it the complexion of the true November so inimical to our countrymen."—Collins, vol. i, p. 84.

† Vol. i, pp. 182, 510. The native name of South Head was Kuttai.—Fraser, Australian Language, p. 51.

‡ Since vol. i was published, copies of Southwell's Journal and of a number of letters written by him to his mother, who lived in Canon-street, London, and to his uncle, the Rev. W. Butler, of Cheyne Walk, Chelsea, have been received. These papers have been printed as an Appendix to vol. ii of the Historical Records. The transcriptions were made at the British Museum, from the original MSS. and copies in the handwriting of Mr. Butler. This gentleman, who appears to have taken a lively interest in the fortunes of the infant colony, showed the letters to Sir Joseph Banks, with whom he frequently conversed about affairs at Sydney Cove. Sir Joseph returned the correspondence with a note in which he offered "many thanks for the perusal of it." He added:—"The letters are written with intelligence, but, as is naturally to be expected, contain little of information not to be met with in the Governor's despatches. It is indeed surprising that he who lives at an outpost and makes few visits to the camp should have gained so much." Banks's comment is accurate enough in one sense. So far as principal events are concerned, the letters contain no information that the official despatches do not supply; but Southwell, whose attention was concentrated on a few subjects, gives particulars of incidents which were only briefly reported in Phillip's letters, and he furnishes information concerning the Lookout Station which is not procurable from any other source. The allusion to the "Governor's despatches" is worthy of attention. It has been stated elsewhere (Vol. i, pp. lii, 78 *et seq.*) that Sir Joseph Banks, who, as regards the colony, may almost be said to have stood *in loco parentis*, had access to the official despatches from Sydney. We have in this note to Mr. Butler an additional proof that this was so.

1789-90

The main purpose of the Lookout was to signal the arrival of ships, and a flagstaff was erected near the spot where the signal-house now stands. At a later stage it was decided to erect a column as a "mark for shipping"; and in the South-well correspondence there is a sketch in outline showing the "Projection of a column raised as a mark for shipping on the South Head of Port Jackson, by his Excellency Governor Phillip, 1790." The sketch* bears the endorsement, in Southwell's handwriting, "This projection, by the hand of his Excellency G.P., done at the Lookout Post, Pt. Jackson."†

erected by Phillip.

The structure served as a lookout, as well as a mark for shipping, for Southwell, writing on the 27th July, 1790, says: "Here where I reside the stone is now shaping for a lookout to be built on the high land by the flagstaff, and to command a good view of the offing."‡

Its probable locality.

No column such as that shown in the "projection" can now be seen at South Head, but on the spot which it probably occupied stands the signal-house, erected forty or fifty years ago. It is built of stone, and it may possibly rest upon the foundations that were laid for Phillip's column.

Watson's Bay.

At the foot of the rocky declivity, near the Watson's Bay pier, on a level grassy spot, which looked like "a pleasant lawn," there had been erected a few modest dwellings, which Southwell sometimes calls "cottages," and at other times "huts." These were occupied by the Lookout party, which consisted of less than a dozen men. There was also a little garden, at one time in a flourishing condition. In July, 1790, it exhibited "a pleasing prospect of vegitation,"

* This sketch will be found reproduced at p. 718 of the Historical Records, vol. ii.

† "The Governor, who had uniformly directed every undertaking in person since the formation of the colony, went down in the morning of the 7th [August] to the South Head, accompanied by Captain Collins and Lieutenant Waterhouse, to give some instructions to the people employed in erecting a column at that place."—Collins, vol. i, p. 133.

‡ Historical Records, vol. ii, p. 718.

1789-90 containing, as it did, seven or eight thousand young plants.* Southwell writes 27th July, 1790 :—

Its first residents. "Our numbers lately were eleven ; my companion,† self, and seven men are all upon this little settlement ; one man looks out for the expected Gorgon, and is relieved in turn at every four hours between the dawn and setting of the day. The Lookout is up a craggy eminence, about a mile from this spot, where are the houses, or rather white-wash'd cottages, in a valley adjoining to the garden, and near the beach. The ground for a good space about here is unusually clear, with here and there a shrub, and at a distance in passing looks like a pleasant lawn. We have a rill of fresh water at a stone's throw on each hand."

Their garden plots. The "white-washed cottages" and the garden are no longer to be seen, but the position they occupied can be made out without much difficulty. The means of identification are the two rills of water mentioned by Southwell. One of these little streams runs through the recreation-ground, and until a few years ago found its way to the sea through the late Sir John Robertson's garden, but for convenience' sake it has been diverted from its course. The other enters the bay on the north side of Bay-street. Between these two points there is a stretch of level ground occupied by dwelling-houses. The rills or creeks which were insignificant a hundred years ago, when the hills from which they flowed were clothed with scrub and trees, are now almost dry, except in rainy weather, but their course can be distinctly traced.‡ Of the garden, which exhibited a hundred years ago such a "pleasing prospect of vegitation," not a trace remains.

Convicts sent to Norfolk Island. In the month of February, 1790, no ships from England having arrived, Phillip resolved to send a number of the people to Norfolk Island, with the object of relieving the principal settlement. That place was no better provisioned

* Southwell to the Rev. W. Butler.—Historical Records, vol. ii, p. 716.

† One of the non-commissioned officers of the Sirius, Mr. Harris.

‡ Only twenty-five years ago the cliffs about the lighthouse and signal-station were covered with dense scrub and trees. Most of this vegetation was destroyed by a fire in 1868.

than the parent colony, and the people who were sent there would, of course, have to receive from the store at Sydney their proportion of the provisions, but the soil at Norfolk Island was so productive that the change was expected to be of much benefit.* The necessary orders were given, and on the 6th March the Sirius and Supply sailed for Norfolk Island, having on board 65 officers and men, with 5 women and children from the marine detachment and the civil department, 116 male and 67 female convicts, with 27 children, in all 280. Major Ross, who received a Commission from Phillip as Commandant, and went in that capacity to relieve Lieutenant King, was in charge of the marines; Captain Hunter commanded the Sirius, and Lieutenant Ball the Supply. These vessels took away from Sydney nearly one-third of the population. The numbers of the people in the respective settlements, after this change was made, were as follows:—"Norfolk Island, 418; Sydney (including Rose Hill), 591."† Phillip's reasons for taking this decisive step are given in his despatch of 11th April, 1790:—

1790

Ross succeeds King.

Population.

"The advantages I expected by sending away such a number of people was from the little garden-ground they would leave, and which would assist those who remained, and the fish which might be caught in the winter would go the further. At the same time those sent to Norfolk Island would have resources in the great abundance of vegetables raised there, and in fish and birds, which this settlement could not afford them."‡

Food supplies at Norfolk Island.

The idea was undoubtedly a good one. The settlement, if not in danger of immediate starvation, was yet in a precarious condition, and it was important not only to conserve the salt provisions, but to make the products of the soil, moderate enough in quantity, go as far as possible.

Condition of New South Wales

* Early in January the Supply had taken a small number of convicts to Norfolk Island (twenty-four), King having intimated that he could easily find employment for more people.

† Historical Records, vol. i, part 2, p. 325.

‡ Ib.

1790 Clearing fresh ground was a laborious and tedious process, while the necessities of the people were immediate and pressing. At Norfolk Island less clearing had to be done, and the returns from the soil were both larger and quicker than at Sydney. Phillip felt no anxiety regarding the people he had sent away by the Sirius and Supply, and their absence placed at the disposal of those who were left a quantity of ground already in cultivation, together with a few head of live stock. No sooner had the vessels left than Phillip set about distributing the plots of garden-ground amongst those convicts who had been, up to that time, without gardens, some of them without huts.* The results of this considerate and well-judged action will be seen later on. In one direction the convicts did their best to neutralise the good which Phillip was trying to do them. With reckless selfishness they killed most of the live stock in their possession, heedless of the fact that they were destroying the means upon which their support in the future largely depended. They were, apparently, impelled to this suicidal course by the fear that, when the salt meat was exhausted, their stock would be seized by Government.

and of Norfolk Island.

Convicts' gardens.

Destruction of live stock

In the despatches which he wrote in April, 1790, Phillip made no reference to the circumstance. Possibly he thought that, considering the difficulty of finding food for the stock, it would be better, as the evil had been done, to let them go. That there was some cause for the belief that the stock would be taken over by Government is evident from the

caused by scarcity of food.

*"Immediately after the departure of these ships [the Sirius and the Supply], the Governor directed his attention to the regulation of the people who were left at Sydney, and to the preservation of the stock in the colony. For these purposes, he himself visited the different huts and gardens whose tenants had just quitted them, distributing them to such convicts as were either in miserable hovels or without any shelter at all. It was true that by this arrangement the idle found themselves provided for by the labour of many who had been industrious; but they were at the same time assured that unless they kept in good cultivation the gardens which they were allowed to possess they would be turned out from the comforts of a good hut, to live under a rock or a tree. That they might have time for this purpose, the afternoon of Wednesday and the whole of Saturday in each week were given to them."—Collins, vol. i, p. 99.

following passage in Phillip's letter to Nepean of 16th April: —"Although the live stock in the settlement is very inconsiderable, I was desirous of what there is being given up for the publick, but the general opinion was that the hogs (which are the principal part of our live stock) were, most of them, so poor that those which would be found fit to kill would not be an object; the Commissary has purchased some, which have been served to the people."* 1790

Whatever relief was ultimately gained by sending off so large a swarm from the hive, the advantage was not immediately felt, except by those convicts who exchanged "wretched hovels" or "no shelter at all" for comfortable huts in garden-grounds. The gardens, indeed, were of little use to anyone for a time, for the convicts, whose food was reduced stage by stage until it was less than half the usual ration, were too weak to do much work. Indeed labour was scarcely expected from them.† Convicts too weak to work.

Upon the officers and civilians who were left behind the departure of so many people produced a depressing effect. "The military quarters," says Collins, "had a deserted aspect, and the whole settlement appeared as if famine had already thinned it of half its numbers. The little society that was in the place was broken up, and every man seemed left to brood in solitary silence over the dreary prospect before him."‡ The long-expected ships appeared to be as far off as ever, and the only thing that could be anticipated with anything like confidence was the posting of a General Order making a further reduction in the scanty allowance of food. Impending famine.

* Historical Records, vol. i, part 2, p. 331. With reference to this, Collins writes (vol. i, pp. 105, 106):—"It was proposed to take all the hogs in the settlement as public property, but as it was absolutely necessary to keep some breeding sows, and the stock being small and very poor, that idea was abandoned."

† "The inevitable consequence of this scarcity of provisions ensued; labour stood nearly suspended for want of energy to proceed; and the countenances of the people plainly bespoke the hardships they underwent."—Ib., 109.

‡ Ib., p. 101.

1790 Garden-thieves

The convicts at Sydney, under the pressure of hunger, robbed the private gardens. When a thief was caught he was severely punished, but the dread of the lash did not have much effect. The depredations were continued in spite of the rigorous measures adopted by the authorities. Even the Governor's garden was frequently robbed. This was ingratitude of the basest kind, for Phillip did not keep the produce of his ground for himself or his friends, but caused a considerable portion of it to be distributed among the convicts.* Under the circumstances, however, it is not surprising that robberies were common. It was noticed that the convicts at Rose Hill "conducted themselves with much greater propriety, not a theft nor any act of ill-behaviour having been for some time past heard of among them."† How it came about that the convicts in one of the settlements were behaving so well, while in the other they were pillaging the gardens right and left, would probably have remained an insoluble mystery to the readers of Collins's book, but for the statement made in a footnote that the convicts at Rose Hill had "vegetables in great abundance." Those at Sydney had scarcely any.

at Sydney only.

Ration still further reduced.

Shortly after the departure of convicts and marines for Norfolk Island, Phillip directed a further reduction to be made in the ration. On November 1st, 1789, the whole of the settlement, as stated on a previous page,‡ was placed on two-thirds allowance. On the 27th March, 1790, the Governor directed that on and after the 1st of the following month the weekly ration "to be issued to every person in the settlement without distinction" was to be :—

Four pounds of flour,
Two pounds and a half of pork, and
One pound and a half of rice.

Hours of labour shortened.

It was also directed that the hours of labour for the convicts should cease at 1 p.m., and that provisions should be served from the store daily instead of semi-weekly.

* Collins, vol. i, p. 111. † Ib., p. 112. ‡ Ante, p. 17.

Five days after this order came into force, the Supply returned to Sydney with tidings of the wreck of the Sirius on Norfolk Island. No lives had been lost; but at the time when the Supply sailed from the island it was uncertain whether the provisions on board the Sirius would be saved. So serious was the situation that Phillip called together the whole of the officers, civil and military. The result of their deliberations was that the ration was still further reduced to:—

1790

Wreck of the Sirius.

Further reduction of ration.

Two pounds and a half of flour,
Two pounds of pork, and
Two pounds of rice,

for seven people for one day.

All were to be treated alike, with the exception of children under eighteen months of age, whose ration of pork was to be one pound only.

Both at Sydney and Botany Bay, fishing-boats were employed on the public account; more stringent efforts were made to prevent the gardens of the industrious being looted at night;* parties were told off to range the woods for game, and every effort was made to save a pound of salt provisions. Even with so severe a reduction in the allowance,† the provi-

Efforts to obtain fresh food.

* The ordinary rewards for the apprehension of thieves being inadequate, it was announced that upon conviction of the culprit, the informer would receive sixty pounds of flour—"more tempting," remarked Tench, "than the ore of Peru or Potosi."—Tench, Complete Account, p. 43.

† As several articles had to be dropped out of the dietary scale, the allowance, according to the view taken by the people, was not more than one-third of the ordinary ration. Collins puts the matter thus:—"On the 20th of the month [April] the following was the ration issued from the public store to each man for seven days, or to seven people for one day—flour, two and a half pounds; rice, two pounds; pork, two pounds. The pease were all expended. Was this a ration for a labouring man? The two pounds of pork, when boiled, shrank away to nothing, and when divided among seven people for their day's allowance barely afforded three or four morsels to each."—Collins, vol. i, p. 109. On this point Tench has the following:—"When the age of this provision is recollected, its inadequacy will more strikingly appear. The pork and rice were brought with us from England; the pork had been salted between three and four years, and every grain of rice was a moving body, from the inhabitants lodged within it. We soon left off boiling the pork, as it had become so old and dry, that it shrunk one-half in its dimensions when so dressed. Our usual method of cooking it was to cut off the daily

1790 sions in store would not hold out more than three or four months; and if relief had not arrived when it did—in June —a still further reduction would have become necessary.

The fish-supply.

Phillip's efforts to add to the stock of food by fishing and shooting were but moderately successful. The seines were constantly in use; but, whether it was that fish were unusually scarce, or that the season of the year was unfavourable for netting, or that the fishermen were wanting in skill, certain it is that the food obtained in this way was generally small and always precarious. Occasionally a good haul was made, and fish was served out in lieu of beef or pork; but, at best, the food obtained in this way was unimportant in quantity.* It scarcely made up for the "loss on every cask" of salt meat, which, according to Phillip, amounted to "some pounds." Still it was a help, and

Game-shooters.

Phillip was thankful for it. The quest for game was so unsuccessful that the parties were disbanded and the men sent back to their ordinary employments.† The real

morsel, and toast it on a fork before the fire, catching the drops which fell on a slice of bread, or in a saucer of rice. Our flour was the remnant of what was brought from the Cape, by the Sirius, and was good. Instead of baking it, the soldiers and convicts used to boil it up with greens."—Tench, Complete Account, p. 40 (note). According to the same authority, a woman died from eating too freely of a "mess of flour and greens."

* "The few convicts who had been employed to shoot for individuals were given up for the public benefit; and a fishery was established at Botany Bay, under the inspection of one of the midshipmen of the Sirius. But this plan, not being found to answer, was soon relinquished. The quantity of fish that was from time to time taken was very inconsiderable, and the labour of transporting it by land from thence was greater than the advantage which was expected to be derived from it. The boats were therefore recalled, and employed with rather more success at Sydney."—Collins, vol. i, p. 106.

† "Neither was much advantage obtained by employing people to shoot for the public. At the end of the month only three small kangaroos had been brought in."—Collins, vol. i, p. 106. Writing a month later (May, 1790), Collins stated:—"The expedient of shooting for the public not being found to answer the expectations which had been formed of it, sixty pounds of pork only having been saved, the game-killers were called in, and the general exertion was directed to the business of fishing. The seine and the hook and lines were employed, and with various success, the best of which afforded but a very trifling relief."—Ib., p. 110. "The greatest quantity of fish caught at any one time in this month [May] was two hundred pounds. Once the seine was full, but, through either the wilfulness or the ignorance of the people employed to land it, the greatest part of its contents escaped. Upwards

dependence of the settlement was upon the storeships from England. 1790

The official despatches and private letters written at this time are almost entirely confined to the one topic—the scarcity of provisions. The question of how to feed the people was so urgent and so difficult that matters of less moment, though important in themselves, were lost sight of. But if the people were ill-fed, they were equally ill-clad, and were in need of many other necessaries, particularly tools and implements. Even if the storeships had arrived before it became necessary to reduce the ration, great inconvenience would have been caused by the insufficient supplies of clothing, boots and shoes, and agricultural and other implements sent out by the First Fleet. In his earliest despatches, Phillip strongly urged that more should be sent without delay. But at the time now referred to (April, 1790) nothing had been received for nearly three years, and most of the people were half-naked as well as half-starved. The officers brought out private stocks of wearing apparel, but those who depended upon the Government stores—and they constituted well-nigh the entire population—were reduced to sore straits. The distress of the lower classes was aggravated by the approach of winter. The convicts—male and female—with difficulty pieced together rags to cover their nakedness. The soldiers were not much better off. The majority of them were forced to appear on guard barefooted, and many both amongst the soldiers and convicts were so emaciated that they were physically incapable of performing their accustomed tasks.

Continued hardships

foreseen by Phillip.

Naked convicts and barefooted guards.

At such a time of want the rites of hospitality were necessarily curtailed. The man who by a happy chance increased his stock of food by aid of fowling-piece or rod could offer his guests no bread; and invitations to dine, even

of two thousand pounds were taken in the course of the month, which produced a saving of five hundred pounds of pork at the store, the allowance of thirty-one men for four weeks."—Ib., pp. 113–114.

1790 at Government House, contained the stereotyped request,

"Bring your own bread." "Please bring your own bread."* As to the want of other necessaries of the commonest kind, we could not have a more telling instance than the naive remark made by Phillip in one of his despatches†:—"Two or three hundred iron fryingpans

Spades as fryingpans. will be a saving of spades." When the people were obliged to use spades instead of fryingpans, hardly any better proof could be furnished of the low condition to which the commissariat had been reduced. In fact, so great was the dearth of cooking-utensils, and even of spades, that some of the convicts, rather than wait until their turn came for the use of a make-shift fryingpan, ate their food raw, and died in consequence.

Bennilong— One of the noteworthy incidents that occurred during this trying time was the escape of Bennilong, the native, who had been captured in November, 1789, and had been living under friendly restraint at Government House. He was a great favourite with Phillip, and afterwards became quite domesticated. He had been carefully watched, as his determination to get away, if he could, was well known; but one night he eluded the vigilance of his custodians and

his escape; made off into the bush. Love of liberty alone would doubtless have impelled him to make his escape, but his desire for freedom was sharpened by the impoverished state of the public larder. The natives are great eaters, and Bennilong was no exception to the rule. Southwell, in one of his letters, wrote‡:—"'Tis certain he can manage the share of six men with great ease at one meal." The half-ration which he received at this time in common with every other

his appetite; person at the settlement must have seemed to the voracious savage nothing better than a hollow mockery. A week's allowance, Tench says, was insufficient to have kept him for a day. "The deficiency was supplied by fish, whenever

* Tench, Complete Account, p. 42. Historical Records, vol. ii, p. 710.
† Historical Records, vol. i, part 2, p. 556.
‡ Historical Records, vol. ii, p. 709.

it could be procured, and a little Indian corn which had been reserved, was ground and appropriated to his use. In spite of all these aids, want of food has been known to make him furious, and often melancholy."* Bennilong made his escape on the 3rd May, and was not seen again for some months. Eventually he was induced to return to the settlement voluntarily, and became greatly attached to Phillip, with whom he went to England, in December, 1792. 1790 his return.

Notwithstanding the critical position of affairs, Phillip did not lose courage. He was confident that relief from England must come very soon, and he never allowed himself to utter a word of doubt on the subject. But while looking with hourly anxiety for a signal at the South Head announcing the arrival of a ship from England, he ordered the Supply, immediately after her return from Norfolk Island with the unwelcome news of the loss of the Sirius, to be got ready for Batavia. Her commander, Lieutenant Ball, was directed to call at Norfolk Island, and take on board Lieutenant Bradley, of H.M.S. Sirius. On arriving at Batavia, he was to ship, at once, eight months' supplies for the ship's company; make immediate arrangements for the purchase of the following provisions:— Phillip's confidence. The Supply sent to Batavia.

200,000 lb. of flour,	60,000 lb. of pork,	Provisions to be procured there.
80,000 lb. of beef,	70,000 lb. of rice,	

together with small quantities of hospital necessaries;

charter a suitable vessel for the conveyance of the same to Sydney, and, leaving Lieutenant Bradley to follow and assist in the navigation of the storeship, return in the Supply with all possible speed to Sydney Cove.

The stock of provisions in the public store on the 13th April, 1790 (four days before the departure of the Supply), was as follows:— State of the store at Sydney.

Pork, 23,851 lb.	Pease, 17 bushels.
Beef, 1,280 „	Flour, 56,884 lb.
Rice, 24,455 „	Biscuit, 1,924 „

* Tench, Complete Account, p. 44.

1790 The meat, at the rate then issued, would last until 26th August; the rice and pease, until the 13th September; and the flour and biscuit, until the 19th December.

There was another resource, but of so slight a character that Phillip would hardly have deemed it worthy of notice under different circumstances. The grain obtained from the harvest in December, 1789, had been set apart for seed, but as it was found impossible, owing to the debility of the workers, to prepare enough ground for all that had been gathered, there was a surplus of about one hundred and fifty bushels, which was to be served to the people when the rice had been expended. A hundred and fifty bushels would not have gone far among five hundred people, but Phillip attached importance to this little stock of grain, and he was encouraged by the possession of it to tell Nepean that he should be able to "make the provisions last until the Supply returns, although no ship from England should arrive."*

The seed-wheat given up for food.

The Supply returns from Batavia.

The Supply did not return from Batavia until the 18th October, and then she brought only eight months' provisions for her own people; the Waaksamheyd, the Dutch snow hired at Batavia, and freighted with stores for the settlement, did not enter Sydney Cove until the 17th December, more than five months after the arrival of the Lady Juliana had been hailed by the starving people with raptures of joy and gratitude.

Hiring a storeship.

Phillip seems to have been aware that his hopeful view of the position was not shared by many at Sydney Cove, for he remarked at the close of his letter to Nepean:—

Unfavourable reports

"I have thought it necessary to be thus particular as to the real state of the provisions in the settlement, as I think it probable that report may make our situation more unpleasant than it really is."

The actual situation was certainly "unpleasant" enough; and Phillip was right in supposing that report would represent it as more serious than it was described in his optimistic despatches.

* Historical Records, vol. i, part 2, p. 331.

1789-90

He could not fail to notice, both in his intercourse with his staff and at every step he took abroad, the despondency that had settled upon the community; and he knew full well that it would find expression in the letters of both soldiers and convicts. Unfavourable accounts did reach England, and were published in the London papers. The names of the writers, with one exception,* were not given, but their identity must have been an open secret—in the colony at any rate. The majority of the letters were published as from "officers" stationed at "Botany Bay."†

published in England.

They all tell the one story: The country "will never answer the intentions of Government," it was "the outcast of God's works."‡ Surgeon White described it as "so forbidding and so hateful, as only to merit execrations and curses. . . . The wood is bad, the soil light, poor and sandy, nor has it anything to recommend it."§ Another letter, in which it is not difficult to trace the hand of Captain Tench, represented the country as "very wretched, and totally incapable of yielding to Great Britain a return for colonizing it. . . . The dread of perishing by famine stares us in the face."‖ The country contained "less resources than any in the known world."¶ One officer remarked that he could not, without "neglect of my duty to my country," refrain from declaring, that if a "favourable picture" had been drawn, it was a "gross falsehood and base deception"**—the country "had no one thing to recommend it." Foremost in the ranks of the malcontents stood Ross. In July, 1788, he assured Nepean, "in confidence," that although corn might grow, yet the country would not support itself for a "hundred years." His own solution of the transportation question was—that it would be "cheaper to feed the convicts on turtle and venison at

"The outcast of God's works."

Face to face with famine.

Nothing to recommend the country.

* That of Mr. White, the Chief Surgeon.—Vol. i, p. 506; Historical Records, vol. i, part 2, p. 332. Grose's letter to Nepean, 2nd April, 1792, was published anonymously in the London papers.—Ib., p. 613.

† Vol. i, p. 508. ‡ Historical Records, vol. ii, p. 745.

§ Historical Records, vol. i, part 2, p. 333.

‖ Historical Records, vol. ii, p. 761. ¶ Ib., p. 769. ** Ib., p. 763.

1789-90

A costly experiment.

the London Tavern than be at the expence of sending them here."* Writing to Nepean some months later, he informed him, "as this letter is only for your private perusal," that "in the whole world there is not a worse country than what we have yet seen of this. All that is contiguous to us is so very barren and forbidding, that it may with truth be said, here nature is reversed; and, if not so, she is nearly worn out; for almost all the seed we have put into the ground has rotted, and I have no doubt but will, like the wood of this vile country, when burned or rotten, turn to sand."†

Ross's views.

The *Public Advertiser* of 28th December, 1790, summed up the news from "Botany Bay" in a few words:—"The flourishing state of the colony at Botany Bay has certainly been contradicted by all private letters."

Phillip's suspicion—or it would be better, perhaps, to say his knowledge—that accounts less favourable than his own would find their way to England was, therefore, justified by the event. It would have been wrong for him to write as an alarmist; but it may be questioned whether, under the circumstances, he did the best for the little community under his care in speaking so confidently of a position which, short of absolute starvation, was about as bad as it could be.

The attitude of Phillip.

That the condition of the settlement was more critical than Philip was willing to admit in his official despatches, is evident from the narratives published by officers after their return to England; and, therefore, at a time when they could write dispassionately, and without the feeling engendered by the events of the hour.‡

Views of his contemporaries.

* Historical Records, vol. i, part 2, p. 176. † Ib., p. 212.

‡ Captain Tench wrote:—"Our impatience of news from Europe strongly marked the commencement of the year [1790]. We had now been two years in the country, and thirty-two months from England, in which long period no supplies, except what had been procured at the Cape of Good Hope by the Sirius, had reached us. From intelligence of our friends and connections we had been entirely cut off, no communication whatever having passed with our native country since the 13th of May, 1787, the day of our departure from Portsmouth. Famine besides was approaching with gigantic strides, and gloom and dejection overspread every countenance. Men abandoned them-

1789-90

The Home Department was lamentably ignorant of the true condition of the settlement, which was expected to be self-supporting almost from the first. Accident had something to do with the wretched plight in which the people found themselves in 1789-90, but on many occasions during the next ten years the colony was on the brink of starvation, because of the eagerness of the Government to send out convicts, and its remissness in forwarding the necessary supplies.* If Phillip, and those who immediately succeeded him, had represented the case more forcibly, the British Government might possibly have realised sooner than it did its duties and responsibilities in connection with a colony so far distant from regular food supplies.

Explanation of the distress.

selves to the most desponding reflections, and adopted the most extravagant conjectures."—Tench, Complete Account, p. 37. That the position was one of actual famine is shown by Tench in another passage :—"Three or four instances of persons who perished from want have been related to me. One only, however, fell within my own observation—I was passing the provision store, when a man, with a wild haggard countenance, who had just received his daily pittance to carry home, came out. His faltering gait, and eager devouring eye, led me to watch him : and he had not proceeded ten steps before he fell. I ordered him to be carried to the hospital, where, when he arrived, he was found dead. On opening the body, the cause of death was pronounced to be *inanition*."—Ib., p. 43 (note). The late Dr. Lang wrote :—"A wealthy and respectable inhabitant of Sydney, who arrived in the colony as a free person during the government of Governor Phillip, has told me that his ration for a long period was merely a cob or single head of Indian corn a day, and that for three years he had lived in the colony in the constant belief that he should one day perish of hunger."—Historical and Statistical Account of New South Wales, 1834 edition, vol. i, p. 53. This statement lacks authority. A "ration" consisting of a cob of Indian corn per day was certainly never issued during Phillip's Governorship, nor probably at any other time.

* In March, 1792, Phillip wrote to Nepean, stating that he was anxiously awaiting supplies ; that the settlement had been on a reduced ration since 1789 ; and that the people were suffering from hunger, and were becoming alarmed. — Historical Records, vol. i, part 2, pp. 610-612. In April, 1794, when the William arrived, all the provisions, according to Lieutenant-Governor Grose, had been issued from the store six hours before she appeared in sight. The flour sent from England had been expended some months before.—Historical Records, vol. ii, pp. 207, 208. On 21st December, 1795, Governor Hunter wrote to the Duke of Portland on behalf of "a people nearly naked" (Ib., p. 346), and, two months later, the Governor received a memorial from the free settlers stating that as "the late reduced ration" had compelled them to kill the greater part of their live stock, they could not support their men with animal food, nor find them clothing, and asking to be allowed to draw animal food and clothing from the store. The despatches of Governor King in the years 1800, 1801, and 1802 show that the ration was frequently reduced because of the shortness of supplies.

THE WRECK OF THE GUARDIAN.

1789

The Guardian

WHILE the settlement was struggling against internal troubles which taxed all its own resources and all the ingenuity and good guidance of its Governor, the Guardian, a 44-gun frigate,* which was on its way to Sydney with a large stock of provisions and clothing, met with a disastrous accident some 500 leagues from the Cape of Good Hope. On the 23rd December, 1789,† in thick and stormy weather, she struck an "island of ice," and after being deserted by most of her officers and crew, was taken to Table Bay in a sinking state. She was only saved from foundering by the strenuous and heroic exertions of her commander, Lieutenant Riou, and a handful of men. Their voyage of eight weeks in a water-logged vessel is one of the most remarkable on record. It exhibits the bravery and devotion of "the gallant and good Captain Riou"‡ in a conspicuous light. But the vessel, though brought safely into port, had been injured so

strikes an iceberg.

Lieut. Riou.

* The Guardian, according to the *Naval Chronicle*, vol. v, p. 482, had been pierced for forty-four guns, but when sent out under Riou's command to "Botany Bay" was armed *en flute*.

† The vessel struck late in the afternoon of 23rd December civil time, or the 24th ship's time. This may account for some authorities stating that it occurred on the 23rd, some on the 24th. Riou himself says the 23rd.

‡ Riou, who was promoted after his return to England, was killed at the battle of Copenhagen, on the 2nd April, 1801. He was in command of the frigate Amazon, and was entrusted by Nelson with the charge of a division of the fleet, consisting of his own vessel and the Blanche, Alcmene, Dart, Zephyr, and Otter, some of them frigates, thers sloops. Owing to the intricate nature of the navigation, the Agamemnon, Bellona, and Russel, ships of the line, were unable to take the stations that had been assigned to them. This derangement of the Admiral's plan, in the words of Nelson's despatch, "unhappily threw the gallant and good Captain Riou . . . . under a very heavy fire; the consequence has been the death of Captain Riou and many brave officers and men in the frigates and sloops."

seriously that the cost of repairing her would have exceeded that of a new ship; she was accordingly beached at Table Bay, and there abandoned. Some of her stores were saved, and a small portion was sent on by the Lady Juliana, which arrived at Sydney on the 3rd June, 1790, bringing at the same time the first news of the disaster. Before meeting with the accident, the Guardian had taken on board at the Cape a quantity of live stock for the use of the settlement, all of which had to be sacrificed to save the ship. She carried also, at the instance of Sir Joseph Banks, a "plant-cabin" or "coach;" in other words, a temporary compartment constructed on deck "for the purpose of conveying to Port Jackson, in pots of earth, such trees and plants as will be useful in food or physic, and cannot conveniently be propagated by seed, and for bringing from thence any useful productions."* The trees and plants never reached the colony, but the experiment was renewed with success some years afterwards.

1789

The vessel abandoned at Table Bay.

Her cargo.

The Guardian was one of the first ships equipped for the relief of the settlement. Nepean wrote to Phillip on the 20th June, 1789, stating that she would "sail in about a fortnight," and, although she did not actually leave England until September, her sailing qualities were so good that she would have arrived at Sydney long before the Lady Juliana, which sailed from England two months earlier.† The Guardian arrived at the Cape on her passage from England in November, and put back to Table Bay after her accident on the 21st February, about a week before the Lady Juliana reached that port. It will thus be seen that the frigate

Her departure from England.

* See letter from Banks to Nepean, Historical Records, vol. i, part 2 p. 229; letter from Banks to Grenville, and letter from Grenville to the Lords of the Admiralty.—Ib., pp. 247–249. "At the Cape of Good Hope, Lieutenant Riou took on board a quantity of stock for the settlement, and completed a garden which had been prepared under the immediate direction of Sir Joseph Banks, and in which there were near one hundred and fifty of the finest fruit-trees, several of them bearing fruit."—Collins, vol. i, p. 115.

† "The Guardian was a fast sailing ship, and would probably have arrived in the latter end of January or the beginning of February [1790]."—Collins, vol. i, p. 116.

1789 made the passage from England to the Cape in two months, while the storeship took at least seven months to cover the same distance.

When on Christmas Day, 1789, the boats left what everyone regarded as a sinking ship, Riou went into his cabin and wrote a short but pathetic letter to the Secretary of the Admiralty. It ran as follows :—

A pathetic letter.

"H.M. Guardian, 25 Dec., 1789,

"Sir, "Lat. 44′ S., Long. 40° E.

"If any part of the officers or crew of the Guardian should ever survive to get home, I have only to say their conduct after the fatal stroke against an island of ice was admirable and wonderful in everything that related to their duties, considered either as private men or on his Majesty's service.

"As there seems to be no possibility of my remaining many hours in this world, I beg leave to recommend to the consideration of the Admiralty a sister, who, if my conduct or services should be found deserving any memory, their favours might be shown to her, together with a widowed mother.* I am, &c.,

"E. Riou."

A forlorn hope.

Riou was without hope, or, if he entertained any, it was of the faintest kind, but he conceived it to be his duty to remain by the vessel.† He had only time to write a few lines, and he took advantage of the opportunity to praise the conduct of the officers and crew, and to commend his mother and sister to the consideration of the naval authorities. He had no thought for himself but to express the hope that his memory might be honoured. This little note, written when death seemed to be close at hand, bears testimony to Riou's generosity and self-abnegation. But the brave officer was not to die then. After an heroic struggle, he brought the Guardian into Table Bay, from which place, on the 22nd February, 1790, he wrote to the Secretary of the Admiralty

Arrival at the Cape.

* Historical Records, vol. i, part 2, p. 286.

† Williams, the boatswain, in a letter to his agents in London, wrote :—"The commander had a strong resolution, for he said he would sooner go down in the ship than he would quit her."—Historical Records, vol. ii, p. 757.

announcing his arrival, and stating that on the 25th December, "all hope of her safety being banished, I consented to as many of the officers and people to take to the boats as thought proper. But it pleased Almighty God to assist my endeavours with the remaining part of the crew to arrive with his Majesty's ship in this bay yesterday." He was anxious that this note should reach the Admiralty before the loss of his ship could be reported, but he was disappointed. The news of the condition in which the Guardian was when the boats put off from her had been carried to England, where it created a profound impression. 1789 News of the wreck.

No wonder that the report was received with dismay. The Guardian had been fitted out at great expense, and she carried, besides nearly two years' provisions for the colony, Sir Joseph Banks's "plant-cabin," upon which much care had been bestowed.* It also happened that one of the midshipmen who remained with Riou in the water-logged ship was the Hon. Thomas Pitt, the only son of Lord Camelford, a near relative of Lord Chatham, First Lord of the Admiralty.† Loss incurred.

* "The Guardian, ship-of-war, had public stores to the amount of £70,000 on board, besides the private property. Her deck was a complete garden."—*Public Advertiser*, 28th April, 1790. Collins says that the Guardian had on board, "with what was in the Lady Juliana, two years' provisions, viz.:—295,344 pounds of flour, 149,856 pounds of beef, and 303,632 pounds of pork for the settlement; a supply of clothing for the marines serving on shore, and for those belonging to the Sirius and Supply, together with a large quantity of sails and cordage for those ships and for the uses of the colony; sixteen chests of medicines; fifteen casks of wine; a quantity of blankets and bedding for the hospital; and a large supply of unmade clothing for the convicts; with an ample assortment of tools and implements of agriculture."—Collins, vol. i, p. 115.

† It is related in contemporary history that this young gentleman had shown a taste for the naval profession which had excited the highest disapproval on the part of his family. He was sent out with the Guardian in the hope that he might be cured of his passion for the sea. So at least asserts the *Public Advertiser*, which published, on the 30th April, 1790, a long account of the accident to the Guardian and her safe arrival at the Cape:—"Mr. Pitt had adopted the naval profession in positive opposition to the wishes of his noble parent, Lord Camelford. The voyage was ordered, by an injunction, to make the young gentleman suffer all the hardships of a seaman, to deter and disgust him from the pursuit." His unpleasant experiences on board the Guardian do not appear to have had the desired effect, for he afterwards joined Captain Vancouver in his expedition with the Discovery and Chatham. In April, 1794,

1789

Riou's second letter.

Riou's second letter* to the Admiralty was scarcely longer than the first. He excused himself for its brevity because a Dutch packet was about to sail for Europe, and because "I find it more necessary than ever to exert myself in order to prevent the ship from sinking at her anchors." But Riou was not in a condition to write long despatches. He had suffered greatly from fatigue, exposure, and anxiety, and, according to his own statement, had been unable since the accident to hold a pen or keep a journal.† He had sustained painful injuries—his hand had been crushed and his leg hurt—but he said nothing of these things to Mr. Secretary Stephens.

Descriptions of the wreck.

It was part of Riou's duty as captain to furnish a detailed account of the accident to the Admiralty, but no such report has been found among the Records. Many accounts, however, found their way to London, and were published in the newspapers of the time.‡

The boatswain's account.

The boatswain of the Guardian, John Williams, writing from Table Bay, on the 27th March, gave a blunt but interesting account of the accident and the perilous passage of the water-logged vessel to the Cape. According to his version,§ the Guardian came into collision with an "island of ice," which knocked away the rudder, broke the tiller in three pieces, broke one of the after-beams in two, knocked the sternpost from the keel, and "damaged the ship in a shocking manner." The handful of men left on board had

he arrived at Sydney, where he learned that his father was dead. He sailed for England in the Indispensable, in July. When the news of the accident to the Guardian reached England, Lord Camelford's heir was supposed to be lost with the others who had remained on board, and the moment the unexpected intelligence of Riou's arrival at the Cape was received at the Admiralty, Lord Chatham, we are told, set off in a chaise and four to convey the joyful intelligence to "his noble relation."

* Historical Records, vol. i, part 2, p. 310.

† Ib., p. 317.

‡ A full narrative was published in the *Annual Register* for 1790. It will be found in Appendix B. A shorter account was embodied in a memoir of Captain Riou, published in the *Naval Chronicle* for 1801.

§ Williams's narrative will be found in the Historical Records, vol. ii, p. 757.

little hope of saving their lives, for the vessel was almost unmanageable, and sixteen feet of water in the hold was "the common run." 1789

An interesting account of the appearance of the vessel and her crew when she put back into the Cape of Good Hope was published in the *Dublin Chronicle* of 31st July, 1790. She had nine feet of water in her hold when she anchored. The lower gun-deck is described as serving as a second bottom. Riou was clad in the "rags of the meanest sailor." The crew "looked like men from another world—long beards, dirt, and rags covered them." The captain declared that his principal care had been to keep up the spirits of his crew, and "watch over their health."* A newspaper account.

The shattered condition of the Guardian and the fruitless efforts that were made to repair her are described in the commander's letters to the Admiralty.† Riou exerted himself to the utmost, but he had to give up the attempt. He wrote on the 7th March that the cost of repairing and refitting the ship would probably exceed that of a new one, and intimated his intention of having her towed to Saldhana Bay, where she could be hove down. Riou's reports to the Admiralty.

Finding, however, that he could not get the vessel under weigh with any prospect of safety, he ordered a survey to be made of the hull, employing for the purpose the officers under his command, and asking also assistance from the Governor of the Cape.‡ The master, boatswain, and carpenter of the Guardian reported that it would be impossible to put the ship in repair; and two captains of the Dutch East India Company's ships and three carpenters, who surveyed the vessel at the request of the Governor of the Cape, made a similar report.§ Thereupon, Lieutenant Riou, to save the useless expense of keeping the vessel afloat in A hopeless wreck. The ship hauled ashore.

* Historical Records, vol. ii, p. 754.
† Historical Records, vol. i, part 2, pp. 311, 317, 336.
‡ The Cape of Good Hope was at this time in the hands of the Dutch.
§ Ib., p. 336.

1789 Table Bay, gave up the idea of taking her to Saldhana Bay, and had her hauled on shore, where she served for a time as a habitation for the crew. Her complete destruction by wind and weather was only a question of time. In the *Naval Chronicle* it is stated that the Guardian almost immediately after her return to the Cape was driven on shore in a hurricane and destroyed, and the statement is repeated by writers of Australian history, apparently on this authority. But Riou's report to the Admiralty shows that nothing of the sort occurred. The vessel was deliberately laid on shore, and had not broken up when her commander left the Cape.

An erroneous report.

Convicts on the Guardian.

The behaviour of the convicts on board the Guardian won Riou's admiration and gratitude. Writing from the Cape, on the 20th May, 1790,* he spoke of the twenty convicts which his duty compelled him to send to Port Jackson, and stated that but for their assistance and support the Guardian would never have got back to Table Bay. He added :— "Their conduct prior to the melancholy accident that happened on the 23rd of December last was always such as may be commended, and from their first entrance into the ship at Spithead they ever assisted and did their duty in like manner as the crew." With the object of encouraging the men in the hour of peril, Riou told them that so far as depended upon him "not one of them should ever be convicts," and he asked the Lords of the Admiralty, through Secretary Stephens, to give effect to his promise. Riou's confidence in the justice of the Admiralty was not misplaced. His suggestion was adopted, and on the 16th November, 1790, Grenville wrote a letter to Governor Phillip directing him to issue his warrant for the pardon of the convicts in question, on condition, however, "of their continuing abroad in such parts or places as may be hereafter directed by you for the terms specified in their several sentences of transportation."† Phillip carried out his instructions, which he

They help to navigate the ship,

and receive a conditional pardon.

* Historical Records, vol. i, part 2, p. 338. † Ib., p. 414.

interpreted to mean that the convicts were to remain in the colony until their sentences had expired.* 1789

It is also satisfactory to know that Riou's conduct all through met with the approval of the authorities in England. Writing to him, on the 9th October, 1790, on behalf of the Lords of the Admiralty, Mr. Secretary Stephens wrote :— Riou and the Admiralty.

"I have their Lordships' commands to acquaint you that their concern on the receipt of the melancholy contents of the first-mentioned letter [the letter of the 25th December, 1789] cou'd only be exceeded by the satisfaction they receiv'd from the account of your miraculous escape, which they attribute to your skilful and judicious exertions under the favour of Divine Providence. And I am further to acquaint you that their Lordships entirely approve of your having sent on to the settlement of New South Wales, by the transports which touch'd at the Cape on their way thither, such of the convicts and superintendents of convicts as had surviv'd, and of all your other proceedings so far as the same have come to their knowledge."†

This will hardly be considered extravagant praise under the circumstances, but it was not usual in those days for official approval to be expressed in anything but the coldest and briefest language. Phillip's services in New South An official custom.

* Historical Records, vol. i, part 2, p. 542. There was another condition, viz., that only those who had behaved well in the colony should receive the pardon. Since, according to Collins (vol. i, p. 193), only thirteen were emancipated (the warrants were signed in December, 1791), it follows that six out of the nineteen who arrived at Sydney (one having died on the voyage) forfeited the reward they had earned. One of them came to a bad end shortly after his arrival in the colony. Having stolen a sheep from the Commissary, Mr. Palmer, he was tried by the Criminal Court, convicted, sentenced to death, and executed. Phillip might have felt disposed, considering the services that had been rendered by this man on board the Guardian, to show mercy, but the preservation of the live stock was a matter of vital importance to the settlement at the time, and the law was allowed to take its course. Collins finds it necessary to account for the Governor's refusal to pardon in this case :—"The preservation of our stock was an object of so much consequence to the colony, that it became indispensably necessary to protect it by every means in our power. Had any lenity been extended to this offender on account of his good conduct in a particular situation, it might have been the cause of many depredations being made upon the stock, which it was hoped his punishment would prevent."—Collins, vol. i, p. 132.

† Historical Records, vol. i, part 2, p. 406.

1789 Wales during his five years' tenure of office were of incalculable value, but the words of mild approval which he received in the official despatches were very meagre.

Provisions saved from the wreck.

The valuable cargo with which the Guardian was freighted, though greatly damaged, was not entirely lost. The salt provisions, with the exception of a few casks, were perfectly sound. About two hundred casks of flour, which had been stowed on the lower deck, were saved; but all the clothing, naval stores, medicines, &c., had either been thrown overboard to lighten the vessel, or were more or less damaged. There was, unfortunately, no opportunity of sending more than a small part of the undamaged cargo to Sydney; and after being kept in store-houses, specially hired for the purpose, for a considerable time, the bulk of it was divided among the men-of-war which happened to put in at the Cape. Captain Blankett, who was in command of two men-of-war, the Leopard and the Thames, completed his provisions from the Guardian (October, 1790), thus avoiding the purchase of stores at the Cape, where everything was "raised to an extravagant price."* As the Gorgon, from England to Port Jackson, was expected to arrive soon at the Cape, a portion of the stores was reserved for her use, and the rest left in the hands of agents for sale. The Gorgon did not arrive until the 22nd June, 1791, and in the interval the Government had been paying at the rate of 30 rix dollars each per month for the hire of two store-houses. The Chatham, Discovery, and Minerva, at different times, took portions of the stores, and the Gorgon having been supplied with what she wanted, the remainder, which was of little value, was sold by auction. What the Gorgon took on board was of some advantage, but on the whole the settlement profited very little from the valuable cargo sent by the Guardian; the vessel, so far as the material wants of the colony were concerned, might as well have gone down at sea with everything on board.

Their disposal

of little benefit to the colony.

* Historical Records, vol. i, part 2, pp. 408-409.

1789

The loss of the Guardian was not a public misfortune only, it told severely on individuals in the community. Friends of the officers in England, knowing that they would be in want of many necessaries, sent out supplies by this vessel. Thinking that the gun-room was a safer place than the hold, these precious goods were stored in that part of the ship, but, as it happened, the choice was the very worst that could have been made. When the Guardian, after striking the iceberg, got clear off, she was found to be making water rapidly, and the first object of her commander was to lighten the ship. The live stock and Sir Joseph Banks's "plant-cabin" went overboard to begin with, and then the gun-room was swept. Some of the officers, Collins says, were "great losers." All sorts and conditions of people at the settlement, therefore, had good reason to remember the loss of the Guardian.*

Officers' supplies on the Guardian

thrown overboard.

The moral as well as the material welfare of the colony suffered. Among the persons on board the Guardian was the Rev. John Crowther, who had been appointed at "a salary of eight shillings per diem" to be assistant chaplain of the settlement.† He was one of those who left the vessel in the long-boat, and was rescued with the master, Mr. Clements, and others by a French vessel, which took them to the Cape. Instead of waiting for an opportunity to continue the voyage to Port Jackson, Mr. Crowther made the best of his way back to England. The circumstances attending his appointment and his return to England are told by the Rev. John Newton, of Olney (the friend and confidant of the poet Cowper), in a series of letters written by him to the Rev. R. Johnson, chaplain at Sydney. The correspondence forms part

The Rev. John Crowther.

He returns to England.

* "Beside the common share which we all bore in this calamity, we had to lament that the efforts of our several friends, in amply supplying the wants that they concluded must have been occasioned by an absence of three years, were all rendered ineffectual, the private articles having been among the first things that were thrown overboard to lighten the ship."—Collins, vol. i, p. 117. Tench says that "there was scarcely an officer in the colony that had not his share of private property on board of this richly-freighted ship."

† Historical Records, vol. i, part 2, p. 260.

1789 of a collection recently presented to the Religious Tract Society, London, by the daughter of Mr. George Stokes, founder of the Parker Society.* Writing to Mr. Johnson in November, 1789, Mr. Newton congratulated his friend on being about to receive a valuable co-worker. "I judge," he said, "both from what Mr. Milner told me of him, and from what I had an opportunity of knowing of him myself, that he will prove a true helpmeet, a counsellor, and a friend." Afterwards, it will be seen, his tone changed materially. Letters from Mr. Crowther reporting the accident to the Guardian and his arrival at the Cape were received on the afternoon of the 23rd April, "and the very next morning," wrote Mr. Newton, "he knocked at my door himself, so that he had nearly startled us by his arrival before we had the least intimation of what had happened." After saying that Mr. Crowther, although in good health, had given up the thought of going out to New South Wales, Mr. Newton remarked :—

Letters to Johnson.

Character of Crowther.

"He is an upright good man, but does not seem to possess that firmness of spirit which, in my view, is essential to a missionary, and without which no man in his senses and with his eyes open would venture upon a voyage to Botany Bay." Returning to the subject a few months later (March, 1791), Mr. Newton lamented the difficulty that was experienced in obtaining a second chaplain, and described Mr. Crowther's attitude towards missionary work at "Botany Bay" in plain if not complimentary words :—

"The door seems open, but you live in such an awkward, unpromising corner of the Lord's great house that it is not easy to find a competent person willing to go to you. It is not a service for mere flesh and blood to undertake. A man without that apostolic spirit and peculiar call which the Lord alone can give would hardly be able to maintain his ground. Mr. Crowther, though a sincere, humble, good man, seems not to have had those qualifications, and therefore he has been partly intimidated by what he met with abroad, and partly influenced by nearer personal considerations at home, to stay with us and sleep in a whole skin."

Intimidated by difficulties.

* Extracts from these papers will be found in the Historical Records, vol. ii.

Mr. Newton is somewhat hard on his brother-worker. 1789
The sufferings and perils that Mr. Crowther went through in the voyage that ended so unfortunately were enough to discourage any ordinary man, even though he possessed something of the missionary spirit; and, as time showed, the object of Mr. Newton's scorn was not alone in his desire to stop at home and "sleep in a whole skin," rather than brave the dangers and difficulties that were supposed to belong to service in the "awkward, unpromising corner of the Lord's great house" known in England as "Botany Bay." Writing to Mr. Johnson nearly a year later (21st January, 1792), Mr. Newton said :—"Nor have we yet been able to find a person in the ministry of faith and zeal sufficient to go over to your assistance."* The statement was repeated in a letter dated the 19th July, 1792.† Difficulty in obtaining a successor.

The Rev. Mr. Newton and his associates were not the only persons in England who were concerning themselves with the difficult task of finding another chaplain for New South Wales. Writing to Mr. Dundas on the 7th of August, 1792, Mr. William Wilberforce, the philanthropist, says :— Wilberforce.

"Ever since I spoke to you in the chaise, as we were coming from Wimbledon, I have been looking out for some fit clergyman to go out as a chaplain to N. S. Wales, and the Archbishop of Canterbury, to whom I mention'd the matter immediately after, has been doing the same."‡

He went on to say that, after almost despairing of success, he had found a clergyman named Porter, who, though reluctantly, had consented to accept the "situation," and he asked for authority to tell Mr. Porter that he might have the appointment. What answer was returned to this letter does not appear, but Mr. Porter did not go to New South Wales. The reason is not disclosed in the Records, but there is no ground for supposing that any obstacle was The Rev. Mr. Porter.

* Historical Records, vol. ii, p. 463.
† Ib., p. 473.
‡ Letter from Wilberforce to Dundas.—Historical Records, vol. i, part 2, p. 634.

1789 thrown in the way by Dundas. The probability is that when it came to the point the reluctance of Mr. Wilberforce's *protégé* had deepened into a resolution to decline the responsibility of missionary work in New South Wales.

Duties of the Chaplain. In the meantime Mr. Johnson had to labour on by himself, under very great disadvantages. He found enough to do when the country was first occupied, but the rapid increase in the convict population, and the establishment of settlements at Parramatta and Toongabbie, placed the work beyond the power of one man. He was left in this predicament until March, 1794, when the Rev. Samuel Marsden, who had accepted the position of assistant chaplain, arrived by the ship William.

The Rev. Samuel Marsden.

Altogether, the loss of the Guardian was a severe blow to the colony. She contained a large quantity of stores which it would have been more prudent to distribute among several vessels. The mistake was pointed out by Phillip, and it was not repeated, but when the Guardian struck the iceberg the mischief had been done. She left England before the settlement was in actual want, and if no disaster had happened she would have arrived before the worst pinch was felt. In January, 1790, when she should have arrived at Port Jackson, the ration had only been slightly reduced, operations in the fields had not been seriously interfered with, the live stock had not been sacrificed, and the Governor had not even considered the propriety of sending a large portion of the people to Norfolk Island. But by the time the Lady Juliana arrived with news of the accident to the Guardian the ration had been brought down almost to starvation point, the people were so reduced in strength that they were unable to carry on the cultivation of the soil except in a desultory and ineffective way, and the Sirius had been sent on her disastrous voyage to Norfolk Island.

An error of judgment.

Its consequences.

A single accident is rarely followed by such grievous consequences. If the Guardian had come into port in

January or February, as she might reasonably have been expected to do, the people would not have been put on starvation allowance, the live stock would not have been destroyed, the cultivation of the land would not have been checked, and the Sirius would not have been cast away at Norfolk Island. The loss of the Guardian is therefore a memorable incident in Australian history, not only on account of the heroism displayed by Riou and the handful of men who assisted him, but by reason of the untoward influence which the calamity exerted on the fortunes of the colony.

1789

Privations and losses.

THE SECOND FLEET.

1789

Vessels constituting the Second Fleet.

The Second Fleet, that is to say the ships which were sent out from England in the year 1789, consisted of six vessels—the Guardian, man-of-war, converted into a storeship, the Justinian, which brought supplies but no convicts, and the Lady Juliana, the Surprize, the Neptune, and the Scarborough, which carried altogether nearly 1,300 prisoners. The Guardian, as we have seen, was injured by an iceberg, and beached at Table Bay; the other vessels arrived safely, but under circumstances as discreditable as they were distressing.

The Lady Juliana.

The Lady Juliana, which had sailed from England on the 29th July, 1789, entered the Heads on the afternoon of the 3rd of June, 1790, and on the 6th, after a delay of three days, caused by bad weather, she was towed up to Sydney Cove. As she brought the first direct news from England that had been received since the Sirius and her convoy left the Motherbank in May, 1787, more than three years before, her arrival excited the liveliest joy among the half-starved and almost despairing people. But the feeling cooled considerably when it was found that the Lady Juliana carried over two hundred female convicts, and had on board only a small quantity of provisions, a portion of which consisted of stores saved from the wreck of the Guardian. It was better than nothing, but it was not sufficient to justify any material alteration in the meagre ration which had been the rule for many months.* The disappointment

A shipload of women.

* Collins in his account of New South Wales remarks that:—"In the distressed situation of the colony, it was not a little mortifying to find on board the first ship that arrived, a cargo so unnecessary and unprofitable as two hundred and twenty-two females, instead of a cargo of provisions; the supply of provisions on board her was so inconsiderable as to permit only an addition of one pound and a half of flour being made to the weekly ration."—Collins, vol. i, p. 118.

1789

of Phillip can be easily imagined. He had impressed upon Lord Sydney* and Evan Nepean† the necessity of restricting the transportation of convicts for a year or so, to carpenters, masons, bricklayers, and farmers, who could support themselves and help to support others. His request was answered by a shipload of helpless women, many of them "loaded with the infirmities incident to old age."‡

Phillip's warnings ignored.

But although the Lady Juliana was a sore disappointment, the intelligence she brought of the illness and recovery of King George III, and the outbreak of the French Revolution, excited the keenest interest, and caused some of the community at all events to forget for a time their hardships and their fears. And while the loss of the Guardian, which the Lady Juliana reported, was a great calamity, it was some consolation to find that an attempt had been made to provide for the wants of the colony, and that but for an unfortunate accident relief would have arrived early in the year.§

News from Europe.

If want had not ceased to knock at the door, the hungry people could yet rejoice at the King's restoration to health. The officers drew up an address to his Majesty, which was handed to Phillip for transmission to England, and a day of thanksgiving was appointed, on which occasion the convicts were excused from work, and a full ration was issued to everyone in the settlement.‖

An address to the King.

* Historical Records, vol. i, part 2, p. 147. † Ib., p. 153.

‡ Collins, vol. i, p. 119.

§ "We now heard for the first time of our Sovereign's illness, and his happy restoration to health. The French Revolution of 1789, with all the attendant circumstances of that wonderful and unexpected event, succeeded to amaze us. Now, too, the disaster which had befallen the Guardian, and the liberal and enlarged plan on which she had been stored and fitted out by Government for our use, was promulged. It served also, in some measure, to account why we had not sooner heard from England. For had not the Guardian struck on an island of ice, she would probably have reached us three months before, and in this case have prevented the loss of the Sirius, although she had sailed from England three months after the Lady Juliana."—Tench, Complete Account, pp. 46, 47.

‖ "A general thanksgiving to Almighty God, for his Majesty's recovery, and happy restoration to his family and subjects, was ordered to be offered up on the following Wednesday, when all public labour was suspended, and every person in the settlement attended at church, where a sermon suited to an occasion at once so full of gratitude and solemnity, was preached by the

1789 The inordinately long passage of the Lady Juliana was unfortunate. She brought, it is true, only a small quantity of provisions, but if she had arrived a few months earlier it would have been known in the colony that arrangements had been made to send out relief, and the knowledge would have encouraged and supported the people in the trials they were undergoing. Why this ship was delayed so long is not explained in the official reports, which do little more than record her arrival and departure. Collins and Tench both note the extraordinary length of the voyage, but neither gives any reason for it. Collins certainly tells us that the rapid voyage of the Justinian, which was made in half the time, was owing to the fact that she "touched only at St. Jago, avoiding, as she had not any convicts on board, the circuitous passage by the Rio de Janeiro and the Cape of Good Hope." This latter route had been taken by the First Fleet, so that supplies of water, fresh provisions, and live stock might be obtained on the way. Some of the fleet sailed badly, and time was lost in keeping the ships together. Yet the voyage was completed by Phillip in less than eight months. The Lady Juliana, unembarrassed by a convoy, and not required to obtain supplies for the colony, was ten months on the voyage. How time was wasted may be seen from the fact that she remained seven weeks at Rio and a month at the Cape. It is hardly possible to avoid the conclusion that the voyage was purposely prolonged. The loss of time at both places is the more noticeable from the fact, stated by Collins, that the Government had placed a naval officer, Lieutenant Thomas Edgar, on board, to see that justice was done to the convicts, "and to guard against any delays on the voyage."*

Voyage of the Lady Juliana

compared with that of the First Fleet.

Reverend Richard Johnson, chaplain of the colony. All the officers were afterwards entertained at dinner by the Governor, and in the evening an address to his Excellency expressive of gratitude and loyalty was agreed upon, and in two days after was presented, and very graciously received."—Tench, Complete Account, p. 47. The address is published in the Historical Records, vol. i, part 2, p. 344.

* Collins, vol. i, p. 116. Lieutenant Edgar had sailed with Captain Cook on his last voyage. He held the post of master on the Discovery.

1790

A few weeks after the arrival of the Lady Juliana the Justinian entered the harbour, with a large cargo of provisions, and for a time there was plenty in the land.* She left England in January, 1790, and had been only five months on the passage. Tench contrasts the voyage of the Lady Juliana with that of the Justinian, and shows that the latter went from England to Jamaica and back, and from England to Australia, in less time than was occupied by the former in performing the single voyage.† He does not accuse the commander of the Lady Juliana, but, inferentially, his praise of the management of one ship is a censure upon that of the other.

The Justinian.

A rapid voyage.

In reporting the arrival of the Royal Admiral more than two years afterwards, Collins makes a pointed allusion to the voyage of the Lady Juliana. He mentions in his record of events for October, 1792, that the superintendent of convicts on board that vessel was "Mr. Richard Alley, who formerly belonged to the Lady Juliana, transport, in quality of surgeon, in the memorable voyage of that ship to this colony; a voyage that could never be thought on by any inhabitant of it without exciting a most painful sensation."‡

Voyage of the Lady Juliana

* "On the day following her arrival, everything seemed getting into its former train; the full ration was ordered to be issued; instead of daily, it was to be served weekly as formerly; and the drum for labour was to beat as usual in the afternoons at one o'clock."—Collins, vol. i, p. 120.

† "We were joyfully surprised on the 20th of the month [June, 1790] to see another sail enter the harbour. She proved to be the Justinian, transport, commanded by Captain Maitland; and our rapture was doubled on finding that she was laden entirely with provisions for our use. . . . This ship had left Falmouth on the preceding 20th of January, and completed her passage exactly in five months. Accident only prevented her," Tench adds in a footnote, "from making it [the passage from England] in eighteen days less, for she was then in sight of the harbour's mouth, when an unpropitious gale of wind blew her off; otherwise she would have reached us one day sooner than the Lady Juliana. It is a curious circumstance that these two ships had sailed together from the river Thames, one bound to Port Jackson, and the other bound to Jamaica. The Justinian carried her cargo to the last-mentioned place, landed it, and loaded afresh with sugars, which she returned with, and delivered in London. She was then hired as a transport, reladen, and sailed for New South Wales. Let it be remembered that no material accident had happened to either vessel. But what will not zeal and diligence accomplish!"—Tench, Complete Account, p. 49.

‡ Collins, vol. i, p. 238.

1790 compared with that of the Royal Admiral.

Why a remark of this kind should have been made so long after the arrival of the vessel, instead of at the time, may be accounted for on the supposition that the "painful" circumstances of the voyage were not at first known.*

The nature of the facts which created such a profound impression upon society at Sydney Cove is left to conjecture; but a remarkable correspondence between the movements of the Lady Juliana and those of another transport (the Kitty), which arrived two years later, suggests a possible solution of the mystery. The Lady Juliana carried female convicts, and so did the Kitty. The former vessel was ten months on the passage; the latter eight. Intentional delay in the case of the Lady Juliana may be suspected; that the Kitty, which followed the same route, was purposely delayed is officially stated by the naval agent on board, Lieutenant Woodriff,† who made a formal complaint on the subject to Governor Phillip. The Kitty called at Rio de Janeiro, and although the repairs she required might have been made in a week or ten days, she remained in that port for five weeks. It was necessary to put into False Bay for the purpose of stopping a leak, and after leaving that port, Lieutenant Woodriff, who was instructed to "expedite as much as possible her then intended voyage," urged the master to make more sail. For doing this he was "grossly insulted and abused." Lieutenant Woodriff also reported that the vessel on the voyage from the Cape to Sydney was brought to in a fair wind, when she might have been kept on her course. These delays, in his opinion, were "intended," and accounted for the length of the voyage. He had done all he could to prevent them, but had been set at

Another comparison.

Delay of the Kitty.

* It is possible that Collins was led to refer to this matter by the fact that the voyage of the Royal Admiral was the quickest then on record from the Cape to Sydney, viz., five weeks and three days.

† Lieutenant Woodriff was promoted to the rank of commander on 18th September, 1795. On the 25th April, 1802, he was appointed captain, and later in the same year he was placed in command of the Calcutta, which sailed with the expedition for Port Phillip under Collins.—Historical Records, vol. ii, p. 30 (note).

defiance.* The naval agent on board the Lady Juliana, Lieutenant Edgar, does not appear to have made any complaint against the master of the Lady Juliana. If he did, it finds no place in the Records. 1790

The Surprize, Scarborough, and Neptune.

A few days after the arrival of the Justinian, three other transports, the Surprize, the Scarborough, and the Neptune, came into port.† The shameful sacrifice of human life that took place on board these ships during the voyage excited the greatest indignation both in the colony and in England. The treatment of the convicts on board these vessels appears to have been marked by the most callous indifference to suffering and disregard of human life. The episode forms the blackest chapter in the history of Australian transportation. The three vessels (the Neptune, Surprize, and Scarborough) sailed from England with 1,006 male and eighty-nine female convicts.‡ By the time they had arrived at Port Jackson, 267 persons, including eleven women, had perished; a large number of those brought into port were in a dying condition, and of the remainder at least one-half had to go into the hospitals and tents on shore, where many of them died, some a few hours, others a few days, after their reception. On the 17th July, 1790 (about three weeks after the vessels arrived), Phillip reported to the Home Secretary that fifty had died since landing. Four hundred and fifty more were on the sick-list, and of the remainder many had "barely strength to attend to themselves."§

Deaths on the voyage, and after arrival.

Overcrowding.

The cause of the sickness and death on board these vessels is only too apparent. Not only was there overcrowding, but those in charge aggravated the evil by keeping the convicts below, where they were constantly breathing foul air. Only a few were allowed on deck at a time, and even when this privilege was extended to them they were so

* Lieutenant Woodriff's letter to Phillip, 19th November, 1792, is printed in the Historical Records, vol. ii, p. 483.

† 26th and 28th June.

‡ Historical Records, vol. i, part 2, p. 355. § Ib., p. 362.

1790

Slave-chains.

heavily ironed that they could scarcely move. The fetters with which the limbs of these hapless people were confined were alleged to have been previously employed in the African slave trade;* they were veritable instruments of torture. These terrible shackles were placed upon the convicts indiscriminately, and once having been put on they do not appear to have been removed until the end of the voyage or death relieved the unhappy wearers from their sufferings. The irons were kept on even when the prisoners were fainting from illness and exhaustion; many of them, indeed, died in their fetters. This was not all. Although the ships were well provisioned, the ration supplied to the convicts was cut down, so that starvation was added to the sufferings which these miserable men had to endure. It was stated that when one of a gang died in his chains his fellow-prisoners, under the pressure of hunger, concealed the fact until putrefaction made concealment no longer possible, so that they might share among them the dead man's allowance.

Inhuman treatment of convicts.

Scurvy, dysentery, and fever,

Under such circumstances it is not surprising that scurvy, dysentery, and fever raged among the convicts, and that the unfortunate people died wholesale. Phillip, who would have been justified in writing more strongly on the point, advised the Secretary of State, on the 13th July, 1790, to the following effect:—

"I will not, sir, dwell on the scene of misery which the hospitals and sick-tents exhibited when those people were landed, but it would be a want of duty not to say that it was occasioned by the contractors having crowded too many on board those ships, and from their being too much confined during the passage. . . . I believe, sir, while the masters of the transports think their own safety depends on admitting few convicts on deck at a time, and most of them with irons on, which prevent any kind of exercise, numbers must always perish on so long a voyage; and many of those now received are in such a situation from old complaints, and so emaciated from what they have suffered on the

caused by over-crowding and confinement.

* This statement rests on the authority of Captain Hill, one of the officers of the N.S.W. Corps, who came out in the Surprize.—Historical Records, vol. i, part 2, p. 367.

voyage, that they never will be capable of any labour. . . . By the surgeon's returns of this day there are 488 under medical treatment; when the ships arrived we had not fifty people sick in the colony."* 1789

Phillip spoke in general terms from information that had been supplied to him, but it happens that with regard to the transactions on board of one of the transports, at least, we have a trustworthy eye-witness. The ships brought out detachments of the New South Wales Corps. That on board the Surprize was commanded by Captain William Hill, who has written a graphic and touching account of the horrors that came under his observation. His narrative was sent to the philanthropist, William Wilberforce.† Captain Hill's account.

So deep an impression did the horrors of the voyage make upon Captain Hill that he declared that he should never recover his accustomed vivacity and spirits. What made these dreadful scenes the harder to witness was his inability to interfere. He was in command of a detachment of troops, but he had no control over the management of the convicts. They were entirely at the mercy of the masters of the transports. "Had I been empowered," he wrote, "it would have been the most grateful task of my life to have prevented so many of my fellow-creatures so much misery and death." His inability to interfere.

The Rev. Richard Johnson, chaplain of the settlement, visited the Surprize soon after her arrival, and saw for himself the state of affairs on board. His version‡ of the condition of the convicts on this vessel bears out all that Captain Hill had written. The Chaplain's account.

After visiting the Surprize, Mr. Johnson went on board the Scarborough, but the condition of the convicts was so revolting that the captain dissuaded him from going below.

* Historical Records, vol. i, part 2, pp. 354–355.

† Captain Hill's narrative will be found printed at length in the Historical Records, vol. i, part 2, pp. 366–368.

‡ Mr. Johnson's statement will be found printed at length in the Historical Records, vol. i, part 2, pp. 386–389.

1789 The Nepture was so much "more wretched and intolerable" that he did not require dissuading. After the survivors had been landed, Mr. Johnson obtained information from the convicts as to the treatment they had received on board the different vessels. They allege that "for a considerable time together they had been to the middle in water, chained together hand and leg, even the sick not excepted—nay, many died with their chains upon them."*

A captain prosecuted.

When the transports returned to England public attention was directed to this shameful sacrifice of human life. Information was laid on oath by several of the crew and marines, charging the master (Donald Trail) and chief mate (William Ellington) of the Neptune with causing the death of a number of convicts by curtailing their allowance of food and water. It was also alleged that when the ship arrived at Sydney they opened a warehouse on shore, and sold the provisions which the convicts ought to have had. The substance of the affidavits was published in the *Dublin Chronicle* of 1st December, 1791.† Trail and Ellington were subsequently charged with the wilful murder of two of the crew of the Neptune and one convict,‡ but they both fled

* Collins (vol. i, pp. 122, 123) thus describes the condition of these people when they arrived at Sydney :—"The appearance of those who did not require medical assistance was lean and emaciated. Several of these miserable people died in the boats as they were rowing on shore, or on the wharf as they were lifting out of the boats; both the living and the dead exhibiting more horrid spectacles than had ever been witnessed in this country. All this was to be attributed to confinement, and that of the worst species—confinement in a small space and in irons, not put on singly, but many of them chained together. On board the Scarborough a plan had been formed to take the ship. . . . . This necessarily, *on board that ship*, occasioned much future circumspection; but Captain Marshall's humanity considerably lessened the severity which the insurgents might naturally have expected. On board the other ships, the masters, who had the entire direction of the prisoners, never suffered them to be at large on deck, and but few at a time were permitted there. This consequently gave birth to many diseases. It was said that on board the Neptune several had died in irons; and what added to the horror of such a circumstance was that their deaths were concealed, for the purpose of sharing their allowance of provisions, until chance and the offensiveness of a corpse directed the surgeon, or someone who had authority in the ship, to the spot where it lay."

† Historical Records, vol. ii, p. 791.

‡ Ib., p. 462.

the country before either of the charges came on for trial, and no further trace of their movements can now be found. 1789

Apparently no attempt was made to refute the charges until some months afterwards. In *Woodfall's Register* of the 4th August, 1792,* the contractors (Messrs. Camden, Calvert, and King) published a copy of their instructions to the captain of the Neptune, accompanied by a "Statement of the proceedings of Donald Trail, master of the Neptune, during his passage to Port Jackson."† This statement bears no signature, but contains internal evidence of having been written by an eye-witness. It was stated therein that the convicts had been ironed with the cognisance and under the inspection of the Government Agent (Lieutenant Shapcote), and that those who were of good character or sick were exempt. Abundant opportunities, it was alleged, had been afforded for the convicts to get fresh air and exercise. In regard to the provisions, the whole responsibility was cast upon the Government Agent, who attended in person to the serving of provisions. Three pints of fresh water, in addition to that required for cooking their food, were allowed each convict daily. No neglect in serving out the provisions and water, regularly and to the full amount, had occurred, except on the passage from the Cape to Sydney, when it was admitted that it was occasionally prevented by excessively rough weather. The statement that convicts concealed the deaths of their comrades to share the dead men's rations was denied; and it was claimed that had this been the case "convicts in the adjoining cabins, not receiving any advantage from the dead men's rations, would certainly have discovered and complained of dead bodies being kept amongst them."‡

The contractors defend themselves.

Ill-treatment of convicts denied.

Convicts' allowance of water.

Concealing deaths of comrades.

This attempt to defend the captain is somewhat weakened by the fact that he had not sufficient confidence in it to remain in England and make it himself. Nor is this all. The Government Agent, on whose shoulders the entire blame

The Government Agent.

* Historical Records, vol. ii, p. 750. † Ib., p. 802. ‡ Ib., p. 806.

1789 was laid, had, at the time this defence was published, been dead nearly two years.* No attempt whatever was made to account for the enormous loss of human life. The statement in defence, it must be remembered, was purely an *ex parte* one, made by the most interested parties—the contractors. It is probable that some of the assertions of the surviving convicts were exaggerated; but, on the whole, there is every reason to believe that the statements of independent parties, particularly Captain Hill and the Rev. Richard Johnson, are true in the main, and that the treatment of the convicts, on these vessels—especially the Neptune—was inhuman in the extreme.

The weight of evidence.

As soon as the transports had come to anchor, the work of disembarkation was hurried forward. Many of the convicts were unfit to be moved at all; numbers of them expired when they were brought up on deck, or in the boats which conveyed them to the shore. No attempt was made to strengthen or restore them. Common humanity required that they should be given a chance of life, now that the long and painful voyage was over; but, instead of being carefully treated and tenderly handled, they were "slung over the ship's side in the same manner as they would sling a cask, a box, or anything of that nature." Nor did the barbarity with which these wretched beings were treated during the voyage and at its close end with their miserable lives, for, according to Mr. Johnson, the bodies of a number of men who had died before they could be taken to land were thrown into the harbour; they presently drifted on shore, where—scandalous spectacle—they were seen lying "naked upon the rocks." Mr. Johnson "took an occasion to represent this to his Excellency, in consequence of which immediate orders were sent on board that those who died on board should be carried to the opposite north shore and be buried."

A cargo of invalids.

Convicts' bodies cast into the harbour.

*Lieutenant Shapcote died on the passage from the Cape of Good Hope to Sydney, under circumstances which aroused suspicion of foul play.—Historical Records, vol. ii, p. 806.

1789

It was no easy matter to find accommodation for five hundred sick people. There was one hospital building, but it only had room for seventy or eighty people; fortunately, however, a portable hospital had been brought out from England in the Justinian, and this was erected after a delay of more than a fortnight. It was said to have been put together in England in a few hours,* but it was not ready for occupation until the 7th July. When erected, it was "filled in a few minutes." Sydney Cove must at that time have presented a painful spectacle. Phillip's brief allusion to the "scene of misery" in the hospitals and sick-tents is all that we have officially in the way of description. The omission, however, is well supplied by Mr. Johnson, and there are also the published accounts of Collins and Tench, who, like the chaplain, were eye-witnesses. From the accounts given by these officers, we learn that, when landed, "great numbers were not able to walk, nor to move hand or foot." The spectacle must have been truly affecting; some of the strongest were to be seen carrying or leading their helpless comrades; others "creeped upon their hands and knees."

Hospital accommodation.

A scene of misery.

The difficulty of housing so large a number of sick and helpless people can be easily imagined: it was increased by the scarcity of bedding. About one hundred tents, each capable of accommodating four convicts, were erected; a quantity of grass was collected for them to lie upon, and one blanket was supplied to each tent. It must be remembered that this was in July, the middle of our winter. It was no uncommon occurrence to find in the morning that the strongest of the four convicts had appropriated the blanket, and left his unfortunate bedfellows to shift as best they could.† An eye-witness‡ tells us:—"The morning generally opened with the attendants of the sick passing

Insufficient bedding.

A struggle for existence.

* Collins, vol. i, p. 125.

† Historical Records, vol. i, part 2, pp. 386-389.

‡ Collins, vol. i, p. 125.

1789 frequently backwards and forwards from the hospital to the burying-ground with the miserable victims of the night."

Bedding for the sick.

The fact that proper bedding was not furnished for the sick people in the tents may seem to point to want of humanity or want of system on the part of the authorities at Sydney, but it must be remembered that nearly five hundred sick men were landed suddenly in a settlement that was ill-supplied with the necessaries of life, and that blankets and clothing were very scarce articles. These wants had been mentioned repeatedly in the letters sent to England, and a large supply had been put on board the Guardian. That stock, however, was not available, and it does not appear that the other storeship, the Justinian, brought anything for the use of the colony beyond provisions.

Why the convicts on board these ships suffered so severely is plainly to be seen. In the first place, the British Government acted upon a wrong principle in making its transportation arrangements. The contractors were paid so much per head for the convicts shipped in England, including maintenance on the voyage. The amount paid over was the same, whether all the prisoners arrived safely at their destination, or whether half of them had been thrown overboard in the English Channel.* The contractors, as represented by their agents (the masters of the transports), had therefore no interest in preserving life; on the contrary, every death was a gain. The greater the mortality the larger the profit.

Payment *per capita.*

An iniquitous system.

The same principle operated with regard to the ration. If it was cut down, the saving of provisions thus made was so much money in pocket. Captain Hill had this in view

* "A contract had been entered into by Government with Messrs. Calvert, Camden, and King, merchants, of London, for the transporting of one thousand convicts, and Government engaged to pay £17 7s. 6d. per head for every convict they embarked. This sum being as well for their provisions as for their transportation, no interest for their preservation was created in the owners, and the dead were more profitable (if profit alone was consulted by them, and the credit of the house was not at stake) than the living."—Collins, vol. i, p. 123. See also Tench, Complete Account, pp. 50, 51.

when he wrote so indignantly to Mr. Wilberforce about "the villany, oppression, and shameful peculation of the masters of two of the transports."* That the enormities committed on these vessels were not overlooked is shown by a passage in Dundas's despatch to Phillip, written on the 10th January, 1792:— 1792

"The distresses to which the convicts sent out in the three ships were exposed during their voyage to New South Wales is a subject into which the strictest enquiry will be made, in order to the bringing to punishment the persons who have been the cause of that shocking calamity." An inquiry to be held.

On the same date, Mr. John King, who was acting as Under Secretary at the Home Office in the absence of Mr. Nepean, wrote:—

"Several affidavits have been taken since the return of the Neptune respecting the inhuman treatment said to have been offered to these people, with a view to the prosecution of the persons who were the cause of it, and in consequence of which the master, it is reported, has absconded." Flying from justice.

In his despatch of the 15th May, 1792, Dundas told Phillip that he had "thoroughly investigated" and "taken the necessary steps to bring forward the conduct of the parties concerned in the treatment of the convicts on board the Neptune, Surprize, and Scarborough." Although, as stated on a previous page, nothing came of these proceedings, it is apparent, at any rate, that the British Government was aware of the outrage that had been committed, and recognised its responsibility in the matter. The responsibility was not a light one. It is true that the Government had appointed a naval officer, Lieutenant Shapcote, to take Action of Home authorities.

* Historical Records, vol. i, part 2, p. 367. While the masters of the transports neglected the convicts committed to their charge, they looked after their own interests sharply enough. "Although," wrote Tench, "the convicts had landed from these ships [Neptune, Surprize, and Scarborough] with every mark of meagre misery, yet it was soon seen that a want of room, in which more conveniences might have been stowed for their use, had not caused it. Several of the masters of the transports immediately opened stores, and exposed large quantities of goods to sale, which, though at most extortionate prices, were eagerly bought up."—Tench, Complete Account, p. 51.

1790 charge of the fleet and look after the convicts. If the instructions given to this officer had been carried out, the abuses which disgraced the Second Fleet would have been impossible. He was directed :—

The agent's instructions.

"To visit the ships as frequently on the passage as opportunities offer, and see they are wash'd and air'd, and that the convicts are kept clean, have their cloaths shifted and washed, and as much air given them as possible, consistent with their safety ; and that the sick are kept seperate, and the place allotted for them fumigated when necessary ; that they are supplied with wine and other necessaries when required by the surgeon ; and that justice is done to the whole of them on board, agreeable to contract."*

These instructions indicate a proper concern for the welfare of the convicts, but unfortunately they were of no effect. One man could not possibly keep watch over three vessels, which were liable, from the accidents of wind and weather, to be separated from each other for many days at a time. This difficulty, which does not seem to have occurred to the Government, rendered all precautions nugatory. But whatever protection the naval agent may have afforded to the prisoners, it was given for only a part of the voyage, and it was on the passage from the Cape to Sydney, after the death of Lieutenant Shapcote, that the worst of the atrocities were committed. When the vessels arrived at the Cape many deaths had occurred (sixty-nine), and the convicts were suffering from scurvy. In his report to the Commissioners of the Navy, dated from the Neptune, in False Bay, 24th April, 1790, Shapcote says :—

An impossible task.

A disastrous voyage.

"The soldiers and convicts, to a very large number, are exceeding ill with the scurvy, and as our stay here will be short, I have, in consequence of representations from the surgeon's mate of the troops and the different surgeons of the ships, ordered the masters to issue to them fresh meat every day, with a sufficient quantity of vegetables."†

* Historical Records, vol. ii, p. 437.

† Historical Records, vol. i, part 2, p. 334.

1790

If the troops, who had the advantage of free access to the decks, and were not cheated out of their allowance of food, were "exceeding ill with the scurvy," it is easy to understand how much worse must have been the condition of the convicts, who were kept in close confinement and deprived of a part of their ration. It may be presumed that the soldiers received the fresh meat that was ordered for them at the Cape—their officers would have seen to that—but it is doubtful whether much of that sort of food, if any, found its way into the mouths of the helpless convicts.

Health of the soldiers.

But so loose was the system of transportation in the early days that even when a naval agent had the sole charge of a ship he experienced much difficulty in carrying out his instructions. The Boddingtons, which was sent from Ireland in 1793, had a most successful voyage. Only one death occurred from her departure from Cork to her arrival at Sydney, and the convicts all landed in good health.* This result seems to have been entirely due to the exertions of Surgeon Kent, who was in charge in the double capacity of superintendent and medical officer. He received elaborate instructions. He was ordered to "enforce a compliance with the several stipulations made with the contractor," and to see that medicines and necessaries were provided by the contractor, and duly and properly administered during the voyage. So far as the supplies were concerned there was no room for complaint. The provisions were good, and everything contracted for was supplied in a very liberal manner; but the health of the convicts was not even considered by those in command of the vessel. Mr. Kent, who kept this important point steadily in view, received no assistance whatever from the master, who neglected the orders given, and told Mr. Kent very

Powers of the naval agents.

Surgeon Kent.

Health of the convicts

* Her consort, the Sugar-cane, did not lose a single convict. "In two ships, containing three hundred and three people, one person only had died, and amongst those landed in the colony scarcely any are sick."—Grose to Dundas, 12th October, 1793; Historical Records, vol. ii, p. 69.

1790 plainly that he "only came in the ship to navigate her." Finding that he could obtain no help in that quarter, Kent "contrived to get the convicts themselves to preserve order, cleanliness, and regularity," and he found his reward in "the little trouble there was with them in the medical department." In his letter to Nepean, 2nd September, 1793, he made the very pertinent suggestion that the captains of transports should be bound down to obey the orders of the naval agent in matters affecting the health and lives of the convicts. That the surgeon of the Boddingtons should have been constrained to make such a remark shows how defective was the system. The instructions given were sound and well judged, but as they could not be enforced they were practically useless.

Surgeon Kent's proposal.

A better system introduced.

If the atrocities committed on board these vessels failed to meet with the punishment they deserved, they led, at any rate, to a radical alteration in the system of transportation. Contracts were made on a different basis, and a naval officer was placed in charge of each vessel, with instructions to look after the welfare of the convicts, and see that they received the provisions for which the contractors had been paid.* More than that—a bonus was given to those in charge for delivering the prisoners in safety at their destination. When the Surprize made her second voyage she had on board a superintendent and a surgeon. To these officers, and also to the master of the vessel, an allowance was made of a guinea each for every convict landed at Port Jackson, "as an inducement to them to take every possible care for their preservation." The Governor was informed of the step that had been taken by the Commissioners of the Navy, in a despatch dated 5th March, 1794, and he was

A monetary inducement.

* Referring to the Kitty, which arrived in November, 1792, Collins says (vol. i, p. 246):—"There was also on board this ship, on the part of the Crown, a medical gentleman who was appointed for the express purpose of attending to such convicts as might be ill during the voyage; so extremely solicitous were the members of Administration to guard against the evils which had befallen the convicts in former passages to this country."

requested to give certificates of the number of convicts landed, so that the officers might claim the reward.* 1793

This was an improvement on the terms under which the transport Boddingtons was chartered in the year 1793. The amount to be paid to the contractor (Mr. William Richards, junior)† was to be £22 per head for each convict. This was £4 2s. 6d. more per head than the sum paid to the owners of the vessels of the Second Fleet, but there was an important condition in the contract. The sum of £5 per head was kept back, and was only payable on the production of a certificate from the Governor that so many convicts had been landed; for every convict who died at sea the contractors lost £5.‡ The effect of these different measures was that the owners, the masters, and the surgeons in charge became pecuniarily interested in the welfare of the convicts. It is scarcely necessary to say that under the new system the abuses which led to the wholesale destruction of life on board the vessels of the Second and Third Fleets had no existence.

Payment by results.

Effect of the new regulations.

The necessity that existed for changing the system was shown not only by the doings on board the vessels of the Second Fleet, but by the case of the Queen, transport, which arrived in October, 1791. In this instance a complaint was made to Phillip, who caused a magisterial inquiry to be held. The evidence proved that provisions had been deliberately and fraudulently kept back from the convicts.§ Phillip did not attempt to inflict any penalty, but sent a copy of the proceedings to Lord Grenville, explaining that he adopted this course because he doubted if he had "the power of inflicting a punishment adequate to the crime."‖ Phillip

Case of the Queen, transport.

Defrauding convicts of their food.

* Historical Records, vol. ii, p. 134.

† A good deal of correspondence passed between Mr. Richards and Sir Joseph Banks on the subject of transporting and maintaining convicts. See Historical Records, vol. i, part 2, pp. 508–519, 522, 524, 552, 580, 625, 636, 642, 670.

‡ Collins, vol. i, pp. 304–305.

§ The evidence taken in this case and the finding of the Court will be found printed at length in the Historical Records, vol. ii, pp. 453 *et seq.*

‖ Historical Records, vol. i, part 2, p. 538.

1791 was highly commended by Dundas (who had succeeded Grenville) for the action he had taken in this matter, but it does not appear that the offenders received any punishment for their misconduct, although Dundas remarked that he would take care when "the parties concerned return home that justice be done."*

* Historical Records, vol. i, part 2, p. 623.



LORD GRENVILLE.

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DESPATCHES FROM ENGLAND.

1789

By the Lady Juliana, Phillip received a despatch, dated 20th June, 1789,* from the Right Hon. William Wyndham Grenville,† in which the despatches sent from Port Jackson in the previous year were acknowledged. The despatches written by Phillip in May, July, September, October, and November, 1788, were sent to England by different transports; but, as it happened, all the vessels, with the exception of the Friendship, which was scuttled at sea on the homeward voyage, arrived at about the same time,‡ and the British Government was placed in possession, almost at once, of the history of the settlement from its foundation in January, 1788, to the 16th November of the same year.

The first despatch from England.

Phillip's despatches.

Phillip would have been more than mortal if he had not felt some disappointment when he read Grenville's despatch. It was the first communication he had received from the Government since he left England more than three years before, and it was, at the same time, a reply to a number of his own letters in which he had given an account of the voyage and the establishment of the settlement, a

Nature of their contents.

* Historical Records, vol. i. part 2, p. 252.

† Afterwards Baron Grenville, succeeded Lord Sydney as Secretary of State for the Home Department on 5th June, 1789. On the 8th June, 1791, he accepted the portfolio of Secretary of Foreign Affairs, and was succeeded at the Home Office by Henry Dundas (afterwards Viscount Melville).—Dictionary of National Biography, vol. xxiii, pp. 133–138.

‡ "The transports which sailed hence in May, July, and November, 1789 (the Friendship excepted), arrived in England within a very short time of each other, and their arrival relieved the public from anxiety on our account."—Collins, vol. i, p. 118.

1789 narrative of events that had happened since his arrival, and a statement of the difficulties he had encountered in the administration of affairs. He had accomplished a great task. He had brought a fleet of eleven vessels through a long and tedious voyage with very little loss of life; he had landed nearly a thousand men at Sydney Cove without accident of any kind; he had established settlements at Sydney, Parramatta, and Norfolk Island; and he might reasonably have expected to receive such an acknowledgment of these services as would show that they were properly valued by the British Government. But beyond an intimation that "his Majesty is graciously pleased to approve of your conduct in the execution of the arduous and important service which has been committed to your care," and a word of approval for the measures which had been taken to promote morality, there is nothing in the curt business-like communication sent by Grenville to show that the work which Phillip had done, and was doing, was appreciated, or even understood. The brief despatch contained little more than an announcement that the Guardian was about to be despatched with a supply of provisions, implements, and a few useful convicts and superintendents, that a thousand more convicts were to be sent in the autumn, and that, in the opinion of Grenville, Norfolk Island was a better place for the chief settlement than Port Jackson.

Faint praise.

A disappointing letter.

But if Phillip felt disappointment at the unsympathetic nature of the despatch, it was as nothing compared with the discomfiture he must have experienced when he found that, while some of the requests preferred in his letters had been attended to, the most important of his recommendations had been entirely ignored. One of the strongest points urged in his despatch of 9th July, written six months after his arrival, and enforced in others, was this—that no more convicts should be sent, at any rate not in considerable numbers, for two years at least. He did not give this advice, which was a warning as well as a recommendation, without

Phillip's recommendations ignored.

A warning.

cause. His reasons were substantial. He knew that the only way to establish the settlement on a sound basis was to make it self-supporting; and to accomplish this end it was necessary, before all things, that the land should be cultivated. But this all-important work could not be undertaken with any prospect of success unless there was on the soil a population capable of subduing it. The principle would have held good in any situation, but the circumstances of the case gave it peculiar force. Land of fair quality had been discovered at Parramatta, and although it was not so much encumbered with timber and scrub as that in the vicinity of Sydney Cove, yet the labour of clearing it was very great. Cultivation under such conditions would have proceeded slowly, even if the men employed had been fit for the work and willing to perform it. But they were not. Scarcely any of them had before laboured in the fields, while some were so old and enfeebled that they were unfit for manual labour of any kind. Those who were strong enough to work were incorrigibly idle, as well as ignorant, and needed the most constant and vigilant supervision. There was only one person in the colony qualified by previous experience in agriculture to properly direct them,* and a great deal of the labour was consequently thrown away. It would have been simple madness to send out large numbers of people of this sort in the expectation that they would be able to till the land and support themselves, and Phillip was not slow to represent the case to the British Government. Writing to Lord Sydney on the 9th July, 1788, after pointing out that if superintendents were not sent out the convicts would be a burden to the country, he said:—

1789

Difficulties of the first settlers.

Supervision of convicts.

"I should hope that few convicts will be sent out this year or the next, unless they are artificers, and after what I have had the honour of observing to your Lordship, I make no doubt but proper people will be sent to superintend them.† The ships that

Temporary cessation of transportation necessary.

* Ante, p. 19.

† With the convicts of the Second Fleet, over one thousand in number, nine superintendents were sent, but only five arrived.

1789 bring out convicts should have at least two years' provisions on board to land with them, for the putting the convicts on board some ships and the provisions that were to support them in others, as was done, I beg leave to observe, much against my intimation [inclination], must have been fatal if the ships carrying the provisions had been lost."*

In the despatches which he subsequently wrote Phillip pressed the point. Writing on the 10th July, one day later, he explained that the people wanted in the colony were "farmers, and people used to the cultivation of the lands . . . without which agriculture will make but a very slow progress."† A few sentences further on he said:—"The sending out settlers, who will be interested in the labour of the convicts and in the cultivation of the country, appears to me to be absolutely necessary." The request that settlers might be sent out was repeated in his despatches of the 28th September and the 30th October. On the latter date he wrote:—

The right sort of emigrants.

Slow progress of agriculture.

"Your Lordship will see by my former letters the little progress we have been able to make in cultivating the lands, and I presume the necessity of a few proper persons being sent out to superintend the convicts, as well as settlers, who have been used to cultivation."‡

The "little progress" that was made in cultivation may be seen from the despatches which were before Grenville when he wrote to Phillip, telling him to prepare for the reception of a thousand more convicts. Writing on the 28th September, 1788, Phillip reported that "the detachment is now inclosing ground for their gardens, and we have about six acres of wheat, eight of barley, and six acres of other grain";§ and on the 30th October he stated that he had sixteen acres under cultivation "at a small farm on the public account." The land that had been cleared was situated in the neighbourhood of Sydney Cove; operations at Rose Hill were only about to commence. Altogether, only thirty-six acres

The first gardens.

* Historical Records, vol. i, part 2, p. 147.
† Ib., p. 177. ‡ Ib., p. 207. § Ib., p. 189.

of land were under cultivation, the larger portion of which was private property. What would become of the seed then in the ground—a second sowing—could not be predicted with anything like certainty, for the first sowing had almost entirely failed. 1789 The harvest.

This was the state of the agricultural industry in New South Wales when Phillip sent off his despatches towards the close of the first year. It did not augur well for the future of the settlement. The day when the colony would be self-supporting was clearly a long way off. Its "sole dependence," as pointed out by Phillip, was on the supplies sent from England. Settlers who would make good use of the land were wanted; but instead of these being sent, shipload after shipload of useless convicts were despatched. A discouraging prospect. Useless convicts.

Although the Home Government was to blame for disregarding the repeated admonitions of Phillip, it must be borne in mind that the case was viewed in an entirely different light at Whitehall and at Sydney. Phillip was face to face with the difficulties of the position; the authorities in England saw them only from afar, and did not fully realise them. They were possibly misled by the tone of the despatches received from Phillip, who, while stating the facts plainly enough, always wrote hopefully about the future of the settlement. The authorities at Home seem to have been possessed with the idea that the colony would be self-supporting almost from the first, and the conviction was not easily shaken. Advice and warning, unless they were given in the plainest language, were thrown away upon them. The main purpose of the enterprise was another point in regard to which Phillip's views were at variance with those of the Secretary of State. Although he knew that the primary object was to relieve Great Britain of her criminal population, Phillip seems to have had larger ideas on the subject than the statesmen who directed affairs in London. It is evident from his despatches that he contemplated the formation, not of a convict-station, but of a colony. Views of the authorities in England. Phillip's broader views.

1789

It is not difficult to find a reason for the action of Sydney and Grenville in ignoring Phillip's request that transportation should cease for two years. In 1789, when Phillip's despatches containing this request reached England, the metropolitan and county gaols were crowded with convicts. Thirteen years had elapsed since the cessation of transportation to America, and, of the enormous number of convicts sentenced to transportation during that time, a few had been sent to Africa, and some were confined in hulks upon the river Thames, but the vast majority, numbering upwards of 100,000,* were lying in the county and metropolitan gaols and bridewells, awaiting the execution of their sentences. So great was the risk of escape and disease, through cramping these unfortunate people in the small and insecure buildings which then served as county gaols, that the Secretary of State was daily importuned to make some arrangement for their removal.

State of gaols in England.

Over-crowded with convicts.

Shortly after Grenville took office, the evil had assumed such proportions that the Lord Mayor and Aldermen of London brought the matter under his notice, and pointed out that Newgate Gaol was so overcrowded with felons, many of whom had long been awaiting transportation, that their health was suffering, and, unless something was speedily done, the most fatal consequences were inevitable. Letters to the same effect from Magistrates in the country districts poured in upon Grenville; but he had only one reply. The gaols, he admitted, were "extremely crowded in every part of England . . . the hulks are all quite filled";†

Insanitary conditions.

* As early as March, 1785, Edmund Burke called the attention of the House of Commons to the "melancholy situation under which those unfortunate people laboured who were sentenced to transportation." Their numbers, he declared, were at that time estimated at not less than 100,000. They had been accumulating for the previous ten years. "He wished to know what was to be done with these unhappy wretches." Apparently, the Government did not know themselves—the only satisfaction Burke obtained was an assurance that they would not be sent to Gambia, which he alluded to as the "capital seat of plague, pestilence, and famine. The gates of hell were there open day and night to receive the victims of the law."—Parliamentary History, vol. xxv, p. 391.

† Historical Records, vol. ii, p. 426.

but he hoped shortly to be able to despatch a number of the convicts to the new settlement at Botany Bay. There can be no doubt that Grenville was aware, when he took this hazardous step, that it was in direct opposition to Phillip's recommendation; but he probably thought it better to let the convicts take their chance of starving in New South Wales in preference to keeping them huddled together in pestilential dens, where the unwholesome conditions and meagre fare meant misery, disease, and death.* 1789 The lesser evil.

In the despatch of the 20th June, 1789,† in which Grenville informed Phillip that about 240 female convicts had been shipped on the Lady Juliana, and about 1,000 more of both sexes were shortly to follow, no allusion whatever was made to the reasons which had induced the Government to ignore his recommendations. However mortifying this was to Phillip, it must have been aggravated by the despatches that followed, impressing upon him the necessity of discharging the very duty that he had said in his own letters he was most anxious to perform.‡ Writing on the 24th August, 1789, Grenville enjoined Phillip to carefully attend to the provisions sent by the Guardian and Lady Juliana, and "to use every practicable exertion in order to put the colony in such a situation as not to depend on Great Britain for its supply in the article of provisions." He went on to say that a Influx of convicts. Unnecessary advice.

* "Convicts," remarked the famous philanthropist and prison reformer, John Howard, "are generally stout robust young men who have been accustomed to free diet, tolerable lodgings, and vigorous exercise. These are ironed and thrust into close offensive dungeons, and there chained down, some of them without straw or other bedding, in which they continue, in winter, sixteen or seventeen hours out of the twenty-four in utter inactivity, and immersed in the noxious effluvia of their own bodies. . . . Their food is at the same time low and scanty; they are generally without firing, and the powers of life soon become incapable of resisting so many causes of sickness and despair."—State of the Prisons in England and Wales, 4th ed., p. 467. The same writer narrates that on a visit to Morpeth Gaol in 1776 he saw in an "offensive dungeon, the window only 18 inches by 9, . . . three transports, who, upon *suspicion of intending* an escape, were chained to the floor.—Ib., p. 425. In Durham county gaol he saw "six prisoners, most of them transports, chained to the floor. In that situation they had been for many weeks, and were very sickly. Their straw on the stone floor was almost worn to dust."—Ib., p. 420.

† Historical Records, vol. i, part 2, p. 252. ‡ Post, p. 85.

1788

further supply of provisions would accompany the convicts who were to be sent by the Neptune, Surprize, and Scarborough, and added:—"I cannot help flattering myself that after that period very little farther aids will be wanted from this country for the subsistence of the convicts."* It is inconceivable how such an expectation could have been formed, excepting on the supposition that Phillip's despatches, received several months before, had not received proper attention. It seems scarcely possible, indeed, that Grenville could have even read those passages in Phillip's despatches of the 15th May and 9th July, 1788, in which he pointed out the dependent condition of the settlement:—

An erroneous calculation.

Phillip asks for supplies for four or five years.

"Your Lordship will, I presume, see the necessity of a regular supply of provisions for four or five years."†

* * * * *

He repeats his request.

"Thus situated, your Lordship will excuse my observing a second time that a regular supply of provisions from England will be absolutely necessary for four or five years, as the crops for two years to come cannot be depended on for more than what will be necessary for seed, and what [stock] the Sirius may procure can only be to breed from."‡

* * * * *

An inhospitable country.

"No country offers less assistance to the first settlers than this does; nor do I think any country could be more disadvantageously placed with respect to support from the mother country, on which for a few years we must entirely depend."§

If Phillip had known that a thousand more convicts were to be sent immediately, and that large batches were to follow, he would not have ventured to express any opinion as to when the colony would be self-supporting. Grenville, it is clear, looked at the matter simply from his own point of view; he made little or no use of the information at his disposal. Had he done so, he would never have written that remarkable sentence in his despatch of the 24th

Grenville blunders.

* Historical Records, vol. i, part 2, p. 261.
† Ib., p. 127. ‡ Ib., p. 146. § Ib., p. 151.

August.* When this despatch is read in connection with one written exactly four months later it becomes even more incomprehensible. Writing to Phillip on the 24th December, Grenville, after explaining that for several reasons it was necessary that all the convicts on the Neptune, Scarborough, and Surprize, including those intended for Norfolk Island, should be disembarked at Sydney, he went on to say :— 1788-90

"The disembarking the convicts at Sydney, exclusive of the consideration before mentioned, seems indeed to be a measure highly necessary, as from the length of the passage from hence, and the nature of their food, there is every reason to expect that many of them will be reduced to so debilitated a state that immediate relief will be found to be expedient for the preservation of their lives."† An accurate forecast.

Although the shocking condition in which the convicts of the Second Fleet actually arrived could not have been foreseen, it is apparent that sickness was apprehended, and that convicts would be landed in such a condition that they would be a burden rather than a help to the colony. And yet the arrival of these ships was to mark a period beyond which very little further assistance would be wanted from the mother country.

Phillip's reply to Grenville's first despatch was written on the 17th June, 1790,‡ a fortnight after it had been received by the Lady Juliana, and nearly a year after it left England. It betrays no feeling of annoyance, nor is a word said as to the probable influence that would be exerted on the future Phillip replies to Grenville.

* Ante, p. 77.

† It would appear from this paragraph that the great mortality on the transports of the Second Fleet was partly due to close confinement in England prior to embarkation. Howard, referring to the emaciated condition of some of the convicts when placed on board transports, mentioned as worthy of imitation a practice then in vogue in Portugal, of enrolling as soldiers all prisoners about to be transported to Brazil, and sending them to a sanitorium to bathe and be better clothed and fed, that they may be properly prepared for their long voyage. The adoption of a similar system in England would have prevented an enormous amount of suffering.—State of the Prisons, 4th edition, p. 150 and 466 (note).

‡ Historical Records, vol. i, part 2, page 346. The despatch is addressed to Nepean, but is evidently intended as a reply to Grenville.

1790 of the settlement by the arrival in a few weeks of a thousand more convicts. It would not have been in accordance with the rules regulating official correspondence for the Governor to question the wisdom of the course pursued by Ministers in England; but even if Phillip had felt inclined to say a few words in deprecation of the step that had been taken, it would have been useless to do so, for arrangements had been made for the despatch of the transports, and when Phillip wrote his reply to Grenville they were expected to arrive every moment. They actually came into the harbour a week later. But although Phillip did not remonstrate with his official superiors, he endeavoured to educate them, by explaining the position of affairs, and pointing out the difficulties that had been encountered—difficulties which made the despatch of large bodies of convicts imprudent to the last degree. After urging for the fourth or fifth time that settlers, rather than convicts, should be sent out, men who possessed some means, as well as a knowledge of farming, Phillip wrote:—

Official etiquette.

Arrival of the Second Fleet.

An explanation.

"As it may appear that we have not made that advance towards supporting ourselves which may have been expected, I will, sir, beg leave to observe that in addition to those untoward circumstances which have thrown the settlement so far back,* it never yet has been possible to direct the labour of more than a small part of the convicts to the principal object. A civil and military establishment form a considerable part of our numbers, which is increased by women and children, all of whom are undoubtedly necessary, but are a deadweight on those who have to render the colony independent for the necessaries of life. Stores, barracks, and houses have required time, and we have still stores and barracks to build in the stead of those temporary ones at first erected."†

Obstacles to progress.

Official oversight.

It does not seem to have occurred to the Minister and the officials at the Home Office that buildings for the accommodation of the people had to be erected, and that it would be

* Phillip alludes here to the loss of the Guardian and the Sirius.

† Historical Records, vol. i, part 2, p. 347.

necessary to clear the land before even a hut could be built or a field sown. The convicts were at once to set about tilling the soil, and the colony was almost immediately to become self-supporting. In time the illusion was dispelled, but many a despatch had to be written from Sydney before the situation was realised. Nothing shows more strikingly the profound ignorance of the Home Office on the subject than the conditions which were laid down in Phillip's Additional Instructions respecting the terms on which convict labour was to be granted to soldiers and settlers. These Instructions, which were received by Phillip with the despatch of 24th August, 1789, contained this clause :— 1789

The Home Office ignorant of condition of colony.

"And whereas many of the non-commission officers and men of the marine detachment, or other persons who may become settlers upon Our said continent* of New South Wales, or the said islands dependant thereupon, may be desirous of availing themselves of the labour of part of the convicts now under your orders : It is Our Will and Pleasure, that in case there should be a prospect of their employing any of the said convicts to advantage, that you assign to each grantee the service of any number of them that you may judge sufficient to answer their purpose, on condition of their maintaining, feeding, and clothing such convicts in such manner as shall appear satisfactory to You, or to Our Governor of New South Wales for the time being."†

This condition might have been complied with by settlers of the kind that Phillip wanted—men with means, who would have been prepared to spend money for a few years in the hope of obtaining a return later on. But, unfortunately, no English settlers of any description had offered themselves. A year or two later a few settlers were sent out, but they took up land on much more favourable conditions as to convict labour than those prescribed in the Instructions. The only persons available as settlers at the time were men belonging to the marine detachment stationed in the colony, and it was

An impossible condition.

The first settlers.

* It is worthy of notice that New South Wales is in these Instructions officially described as a "continent" for the first time.

† Historical Records, vol. i, part 2, p. 258.

1789

quite out of their power to take up land under the conditions laid down. So far from being able to maintain, feed, and clothe convict servants, they would not have been able, as settlers, to support themselves. It was only possible to place settlers upon the soil by giving to each man provisions from the store for a year or two, and convict servants, who were to be supplied with food and provisions form the same source. Phillip settled the question in a few words :—

Fed by the Government.

"No soldier or other person in this settlement could at present accept of the assistance of convicts in cultivating the land which might be granted them on the conditions pointed out in the Instructions—'of feeding and cloathing them.' I believe, sir, that it will be little less than two years from the time of granting the lands before those lands will support the cultivators."*

Phillip anticipates his instructions.

Phillip had, in fact, anticipated the Royal Instructions, for he proposed in his despatch of 13th February, 1790, that the first settlers should be allowed a certain number of convicts for two years, who were to be supported during that time at the expense of the Crown.†

Site of the settlement.

Phillip also felt called upon to reply to that part of Grenville's despatch in which it was intimated that but for the expense that had been incurred the Minister would have felt inclined to recommend that Norfolk Island should be made the principal settlement. We have here another example of the indifference displayed by the English authorities. While Grenville took no notice of Phillip's distinct and oft-repeated warning against flooding the settlement with convicts, he went out of his way to express an

* Historical Records, vol. i, part 2, p. 347.

† "As the labour of clearing the ground of timber will be great, I think each settler should not have less than twenty men on his farm, which I suppose to be from five hundred to one thousand acres; it will be necessary to give that number of convicts to those settlers who come out, and to support them for two years from the public stores; in that time, if they are in any ways industrious—and I do not think they will be able to do it in less time—at the expiration of the two years they may return half the convicts they have been allowed, and would want no further assistance from Government."—Phillip to Sydney, Historical Records, vol. i, part 2, p. 306.

opinion on a point about which he could not possibly have the knowledge that the Governor possessed. He knew that the soil of Norfolk Island was more fertile than that at Port Jackson, and for this reason, apparently, concluded that an unfortunate choice had been made. This opinion was expressed, it is evident, on the spur of the moment, and without giving attention to facts or paying respect to Phillip's judgment. The area of Norfolk Island is small, as could have been ascertained in a moment by reference to the maps and charts. Even supposing its whole surface to be suitable for cultivation, it was inadequate for the support of the large number of convicts that were to be sent out.* As to other conditions—whether it possessed a safe harbour, whether the climate was favourable, or whether it was suitable for trading purposes—the authorities were entirely ignorant. Phillip, on the other hand, was possessed of all the facts. He knew from the reports of Lieutenant King that the island, though exceedingly fertile, was so limited in area that under the most favourable conditions it was incapable of supporting more than a handful of people, and that, so far from having a harbour where ships could lie, there was actually no place at which men or stores could be landed except in the finest weather. It was a common occurrence for vessels sent with stores from Port Jackson, to sight the island and have to stand off and on for several days before they could get near enough to send boats on shore, and before it had been occupied a year several accidents occurred, attended with considerable loss of life. This is the place which in the opinion of Grenville should have been made the principal settlement, although he knew that Phillip had taken the fleet into "the finest harbour in the world," and had before him territory of unknown extent, but practically unlimited.

1790

Norfolk Island

unsuited for principal settlement.

* Writing to Nepean on the 29th January, 1792, King says :—"The whole island does not contain more than about 13,000 acres, of which 200 are unfit for cultivation." This, however, appears to have been an over-estimate. In 1796, King set down the area at "about eleven thousand acres."—Collins, vol. i, p. 505.

1790

Norfolk Island

Phillip treated the suggestion with respect, but he must have felt the absurdity of the position. He pointed out that there was one objection to making Norfolk Island the principal settlement—it possessed "no harbour or good roadstead." He made no reference to its limited area, but contented himself with setting forth the advantages of Port Jackson, which lies, as he explained, between two harbours—Botany Bay and Broken Bay—so that "if a ship falls in with the coast in bad weather, a few miles either in the northward or southward, she can find immediate shelter." He modestly added, "and I believe it will be found hereafter that the seat of government has not been improperly placed." Phillip's choice has been amply justified.

compared with Sydney.

It is curious to note, however, that if Phillip had not been so impressed with the necessity of making a speedy choice, the head-quarters of the settlement might have been established at Parramatta instead of Sydney. Phillip thus refers to the question :—

"I had little time to look round me when I first arrived, for my Instructions particularly pointed out that I was not to delay the disembarking the people, with a view of searching for a better situation than what Botany Bay might afford. I was obliged to look farther, but I did not think myself at liberty to continue my research after I had seen Sydney Cove. Had I seen the country near the head of the harbour I might have been induced to have made the settlement there, but we knew nothing of that part of the country until the creek which runs up to Rose Hill was discovered in a journey I made to the westward three months after we landed; and although I was then fully satisfied of the goodness of the soil, and saw the advantages of that situation, most of our stores and provisions were landed, and it required some little time to do away with the general opinion that such a situation could not be healthy, and which I was inclined to think myself until I had examined the country for some miles round, and was satisfied that there was a free circulation of air, in the goodness of which few places equal it."*

Advantages possessed by Parramatta

* Historical Records, vol. i, part 2, pp. 348, 349.

1791

But even if Phillip had chosen the head of the harbour as the site for the settlement, the fact would have made little difference to the future of Sydney. Parramatta would have been the principal town, but it would not have kept its position. For a time, indeed, it did enjoy the distinction. When it was discovered that there was better land in the neighbourhood than any that could be found near Sydney Cove the bulk of the population settled there, and Sydney was only second in importance. In fact, so little was thought of it that Tench, writing in December, 1791, described it as follows :—

compared with Sydney.

Sydney in 1791.

"This place (Sydney) had long been considered only as a depôt for stores. It exhibited nothing but a few old scattered huts and some sterile gardens. Cultivation of the ground was abandoned, and all our strength transferred to Rose Hill." *

But the growth of the colony caused Parramatta to lose its pride of place, and the principal port of the colony became also its chief city.

Phillip had scarcely finished writing his reply to Grenville's despatch of the 20th June, 1789, when the Justinian arrived with that of the 24th August, 1789.† This was the despatch in which Phillip was enjoined to be careful in the distribution of the provisions sent by the Lady Juliana and Guardian, and urged to use every exertion to make the colony independent of the mother country for its supply of provisions. These injunctions show the anxiety of the Government to keep down the expenditure, and to get rid of the burden of provisioning the colony as speedily as possible. But they need not have been written. Phillip had been provident from the first; and the sharp experience of the last six months had taught him to be more careful than ever of the stores. As to the exhortation to do his best to make the colony self-supporting, he might have answered it by quoting his own despatches, which show that this object had

Economy urged upon Phillip.

An uncalled-for exhortation.

* Tench, Complete Account, p. 158.
† Historical Records, vol. i, part 2, pp. 252 and 260.

1790 been in his mind from the first. He had even pointed out the way in which the goal, according to his judgment, might be most speedily attained; and, had he chosen to do so, he might have complained that his advice had been disregarded, and his requests poorly, and grudgingly, responded to. But he contented himself with acknowledging the receipt of the instructions, and writing a brief sentence to record the fact that he had been economical in the expenditure of stores, and mindful of the object which the Government had so much at heart. "The strictest economy," he informed Grenville, "has ever been used, and every exertion has been made on my part to put the colony in the situation recommended, of the necessity of which I am fully persuaded."* As to the expectation Grenville had formed, that upon the receipt of the supplies sent by the Guardian and the Lady Juliana very little further aid from Great Britain would be required, he referred the Minister to his previous despatches, and declared that the colony had suffered from so many disadvantages that "it may rather be a matter of surprise that a regular settlement exists than that it is not in a more flourishing state." The wreck of the Guardian destroyed at a blow the fabric which Grenville had reared in his mind, and Phillip's despatches must have convinced him that he had been altogether too sanguine in his expectations.

Phillip replies.

Difficulties incident to the situation.

Even if the Guardian had come safely into port instead of striking an iceberg, those expectations, founded on the merest conjecture, could not possibly have been realised. The colony would not have been "thrown back," to use Phillip's expression, as was the case, but it would have been still a long way from the situation in which the British Government desired to see it. This vessel had proved a disappointment in more ways than one. In his first set of despatches Phillip had begged that superintendents might be sent out to overlook the convicts, and instruct them in the cultivation of the land, and that if convicts were sent

The colony "thrown back."

* Historical Records, vol. i, part 2, p. 351.

1790

they should be useful men, such as farm labourers and artificers. The latter request was answered by sending on board the Guardian twenty-five convicts who were supposed to be artificers. Out of these, nineteen arrived at Sydney, and they had behaved so well in the hour of danger that most of them were given their freedom.* So far, therefore, as public work was concerned, their services were lost. How urgent was the need for men of this sort is shown by the particulars given in Phillip's despatch as to the available labour at Sydney at this time (June, 1790), when building and repairs to buildings were much required. The marine detachment could boast of one carpenter and one smith; there were on shore from the Sirius two carpenters and one smith; while of the convicts the trained workmen consisted of six carpenters, four smiths, two bricklayers, one stonemason, and "four men who work with the carpenters, brought up as seamen and servants." But this small strength was less than appeared on paper, for Phillip says of the carpenters that "of the six we have only three merit the name."

Convict artisans.

Carpenters and smiths.

It was much the same with the superintendents sent by the Guardian. They were nine in number, and the list of names and occupations, which was appended to Grenville's despatch, looked very well.† But when Phillip wrote, only five instead of nine had arrived, of whom he reported that but one was a farmer. Two said that "they were used to the farming business when they were seventeen and nineteen years of age," but, Phillip added, "they cannot from the knowledge they then obtained be able to instruct the convicts or direct a farm." It is evident, therefore, that the superintendents were badly chosen. There could have been no misunderstanding as to the sort of men required, for Grenville, in his despatch of the 24th August, says that the superintendents were sent in consequence of Phillip's

The wrong class of men sent out.

Youths in their teens.

* Ante, p. 44.

† Historical Records, vol. i, part 2, p. 262.

1789 "representation of the want of proper persons to instruct the convicts in the manner of tilling the land and to superintend their labour."* The Minister can scarcely be held personally responsible for the unhappy selection that was made, but it is plainly to be seen that there was blundering or neglect somewhere.

* Historical Records, vol. i, part 2, p. 261.

THE NEW SOUTH WALES CORPS.

1789

EXACTLY a month before Grenville wrote his despatch of the 20th June, 1789, the first official step had been taken to create a special military force which was to replace the detachment of marines then doing service in the colony. On the 20th May, Sir George Yonge, Secretary at War, addressed a letter to the Treasury, intimating that it had been determined to raise a corps of infantry for service in New South Wales, and directing that it should be immediately placed upon the establishment.* It was to number in the aggregate three hundred rank and file, and to be "commanded by a major having a company." Early in June, Major Grose received instructions to raise the force, and after some correspondence as to terms the instructions were carried out. It was afterwards decided, in consequence, it may be presumed, of letters from Phillip, in which he stated that a force of five hundred men would be required for the protection of the settlement, to increase the strength of the Corps.

A permanent military force.

Strength of the Corps.

Although the Corps was specially raised for service in New South Wales, where it remained until its action in the Bligh episode led to its recall, and was described in the despatches as the New South Wales Corps, that title was not always applied to it. It was sometimes called the New South Wales Regiment, while some of the English newspapers of the time chose to call it the "Botany Bay Rangers," and others the "New South Wales Rangers." Its status in the Army was

Specially raised for the service.

* Historical Records, vol. i, part 2, p. 232.

1789

Its status in the British army.

precisely the same as though it had been formed for general instead of special service. This point seems to have been raised while the Corps was in course of formation, for in August, 1789, the Secretary at War considered it necessary to explain :—

"With regard to the rank of Major Grose's corps, it being the youngest in the Army must, of course, when drawn up, either with other entire corps or with detachments from them, take part on the left. But with regard to the officers in all corps, without distinction, the militia excepted, they naturally take part in all duties according to seniority in their respective ranks."*

The method of recruiting.

As the New South Wales Corps played a prominent part in the early history of the colony, and exerted a potent influence on its affairs, the conditions under which it was formed and maintained are worthy of more than ordinary attention. The force was raised after the manner in vogue in those days. A "letter of service" was given to an officer, usually a colonel, authorising him to enlist a certain number of men, and fixing the bounty allowed for each recruit at so much per head. If the officer employed in this service could procure men at a smaller bounty than the sum allowed in the letter of service, the extra money went into his own pocket—it was his profit or reward for the services rendered in raising the regiment.† There was another system in practice so late as the Crimean War, known as "raising men for rank," by which regiments were raised by noblemen or gentlemen, who received as compensation for their trouble and expense the right to nominate the officers.‡ In Grose's case both methods seem to have been employed: he received

Bounty money.

* Historical Records, vol. i, part 2, p. 255.

† "When new regiments were raised, a fixed sum was allowed as bounty or levy money for each recruit, and the colonel to whom the letter of service was given for raising the regiment in some instances got the men at so much more or less, as his personal influence or good fortune enabled him to do."—Clode, Military Forces of the Crown, vol. ii, p. 4.

‡ "The expense of raising new corps was frequently provided for in another manner, viz., by an agreement between the Crown and a nobleman or gentleman that the latter should raise the regiment or corps, receiving—as the consideration for his trouble and expense—the nomination of all or of some proportion of the officers."—Ib., p. 5.

1789

the bounty money, and was also allowed to nominate some of the officers. The Corps, in the first instance, consisted of four companies, each company of one captain, one lieutenant, one ensign, three sergeants, three corporals, two drummers, and sixty-seven privates. In the letter of service sent by the Secretary at War (Sir George Yonge) to Major Grose, on the 8th June, 1789, he was informed:—

Constitution of the Corps.

"Yourself and the three captains now to be appointed by his Majesty will each be required to raise a complete company (viz., three sergeants, three corporals, two drummers, and sixty-seven private men), in aid of the expenses of which you will be allowed to name the lieutenant and ensign of your respective companies, and to receive from the public three guineas for every recruit approved at the head-quarters of the corps by a general or field officer appointed for that purpose."*

Recruiting in olden times.

The bounty offered to recruits varied according to circumstances. The normal amount was forty shillings. It was so in Shakespeare's time, and the same bounty was commonly paid in the Eighteenth Century; but in time of war, when it was necessary to obtain considerable numbers of men as rapidly as possible, very much larger bounties had to be paid.† When Grose received his instructions to raise the New South Wales Corps, England was at peace with the world, and it was not necessary to tempt men by offering very large bounties. It is probable, therefore, that out of the three guineas per head allowed by the War Office, Grose received a fair sum as a recompense for his services in raising

Advantages of the system.

* Historical Records, vol. i, part 2, p. 249.

† "With regard to the amount of bounty, it is curious to notice the long continuance of 40s. as the sum given by the Crown to the recruit on enlistment. In 1597, when Shakespeare wrote the first part of Henry IV, he puts it into Falstaff's mouth to say that he had (misused the King's Press, and) 'got in exchange of 150 soldiers three hundred and odd pounds.' Upon the increase of the Army to meet the Rebellion of 1715, the inducement held out was 40s. 'for every man who shall list himself in any of the regiments of foot.' In later years the same sum will be found mentioned in the Statute Book; and it was not until after Mr. Burke's Act [passed in 1783] had been in operation for some years, and the cost of recruiting had been transferred to the public, that the amount of bounty was raised to the excessive prices that in recent wars were demanded for military service."—Clode, Military Forces of the Crown, vol. ii, pp. 4, 5.

1789 the force. The plan was a convenient one for the War Office. By paying a fixed sum for each recruit, and giving the officer the right to nominate the subalterns, the cost of raising the force could be estimated to a penny, and all trouble avoided. The Government supplied the money, and Major Grose found the men. The arrangement was simplicity itself, but it was open to abuse. The practice does not now exist in the British army.

Nominating officers. Grose was also allowed the privilege, whatever it may have been worth, of nominating the Adjutant, Quarter-master, and Chaplain. It may be remarked here, that the detachment of marines sent out with the First Fleet had no Chaplain. It was only a detachment, not a regiment, and the desirableness of appointing someone to look after the spiritual welfare of the soldiers does not seem to have been recognised by the authorities. The circumstances under which the

The Chaplain. Rev. Richard Johnson was appointed Chaplain of the settlement have already been alluded to.* In sending out the New South Wales Corps, the appointment of a Chaplain was a feature in the arrangements. In a letter of the 8th June, 1789, the Secretary at War informed Major Grose that the Chaplain "must positively engage to embark with the Corps, and remain with it while abroad," and, he added, that certificates of character must be furnished before the appointment was proposed to the King.†

Augmentation of the Corps. The Corps, three hundred strong, was raised and ready for inspection in September, but the propriety of increasing the number was soon under consideration. Writing on the 8th October to the Under Secretary for Home Affairs, Major Grose stated that he had heard of the proposed augmentation of the force, and intimated that he was "ready to raise either one or any number of companies without a

* See Vol. i, pp. 54 (note).

† The gentleman appointed was the Rev. James Bain. He returned to England with Grose in December, 1794, and although the Corps was subsequently greatly increased in numbers, no successor was appointed.

Facsimile of Major Grose's handwriting.

Should I be promoted to the rank of Lt Colonel I will without expence to Government raise both the Companies reserving to myself the nomination of the Captain & Subaltern officers —

Should it be thought expedient to add only a Major to the Corps without permitting me to succeed to any additional rank — [I will raise the Companies on conditions of receiving the levy money — nominating the Captain & Subaltern officers — & receiving for the Captain appointed to a Majority five Hundred Pounds] —

I shall have no objection to raise the Recruits on Governments account charging exactly whatever it costs to procure them — and I will exert my utmost to recruit them as little expence as possible & with as much expedition as is in my power —

Fran.s Grose —

shilling expense to the Government, if allowed to nominate the officers." No action was taken at the time, but on the 23rd of February, 1791, instructions were given to Grose to raise two additional companies. One of them, he was informed in a letter from Sir George Yonge, was to be commanded by a second major, who was to obtain his appointment on condition of contributing five hundred pounds to the expense of the levy. The nomination of the rest of the officers was left to Grose, according to the original conditions. Grose thought he saw here a way to promotion. With the addition proposed, the Corps would consist of six companies; and if further increases took place, of which there was every probability, the Corps would before long become equal in point of numbers to a regiment of the line. Even with a strength of six companies, it should be commanded, Grose thought, by a colonel, or, at the very least, a lieutenant-colonel. Accordingly, he renewed his proposal to the War Office in this form :—

1791

Two additional companies.

Grose's prospects of promotion.

"Should I be promoted to the rank of lt.-colonel, I will without expence to Government raise both the companies, reserving to myself the nomination of the captain and subaltern officers. Should it be thought expedient to add only a major to the Corps without permitting me to succeed to any additional rank [*I will raise the companies on conditions of receiving the levy money, nominating the captain and subaltern officers, and receiving from the captain appointed to a majority five hundred pounds.*]"*

Grose's suggestions were not adopted. The two companies were raised on the conditions laid down by the War Office, and although Grose was given a Commission as Lieutenant-Governor of New South Wales, he did not obtain, until some time afterwards, the coveted step in military rank, which he would, no doubt, have valued far more highly. On the 31st March, Grose reported to the Secretary at War that the men had been enlisted, and

His proposals not adopted.

* Historical Records, vol. i, part 2, p. 250. The brackets and italics are Grose's.

1792 were ready for inspection. The Corps was subsequently still further augmented, and early in 1792 an auxiliary company, consisting of men from the marines, who had taken their discharge in preference to returning with the detachment to England to be discharged there, was raised by Phillip, and placed under the command of Captain-Lieutenant Johnston.* When at its maximum strength the Corps consisted of ten companies, numbering eight hundred and eighty-six non-commissioned officers and privates.

Further augmentation.

Reputation of the Corps

The New South Wales Corps has been held up to reproach by more than one writer. Allowing that its *matériel* was open to criticism, there is no reason to suppose that it was worse than that of other regiments raised in England at about the same time. Grose, who had been recruiting for two years before he was instructed to raise a special force for service in New South Wales, and was, therefore, well-informed concerning the composition of the Army, did not regard the Corps as below the standard; on the contrary, his account of the men places them above the average. Writing from Portsmouth to the Secretary at War, on the 30th July, 1790, he reported that since he had taken command the men had conducted themselves with the greatest propriety, and had given "constant satisfaction" to everyone concerned. This remark occurs towards the close of a letter in which he asked that two incorrigibles might be turned over to the Navy.† These men, he explained, did not belong to those he had received from the Savoy;‡ they had been enlisted as ordinary

Unjustly assailed.

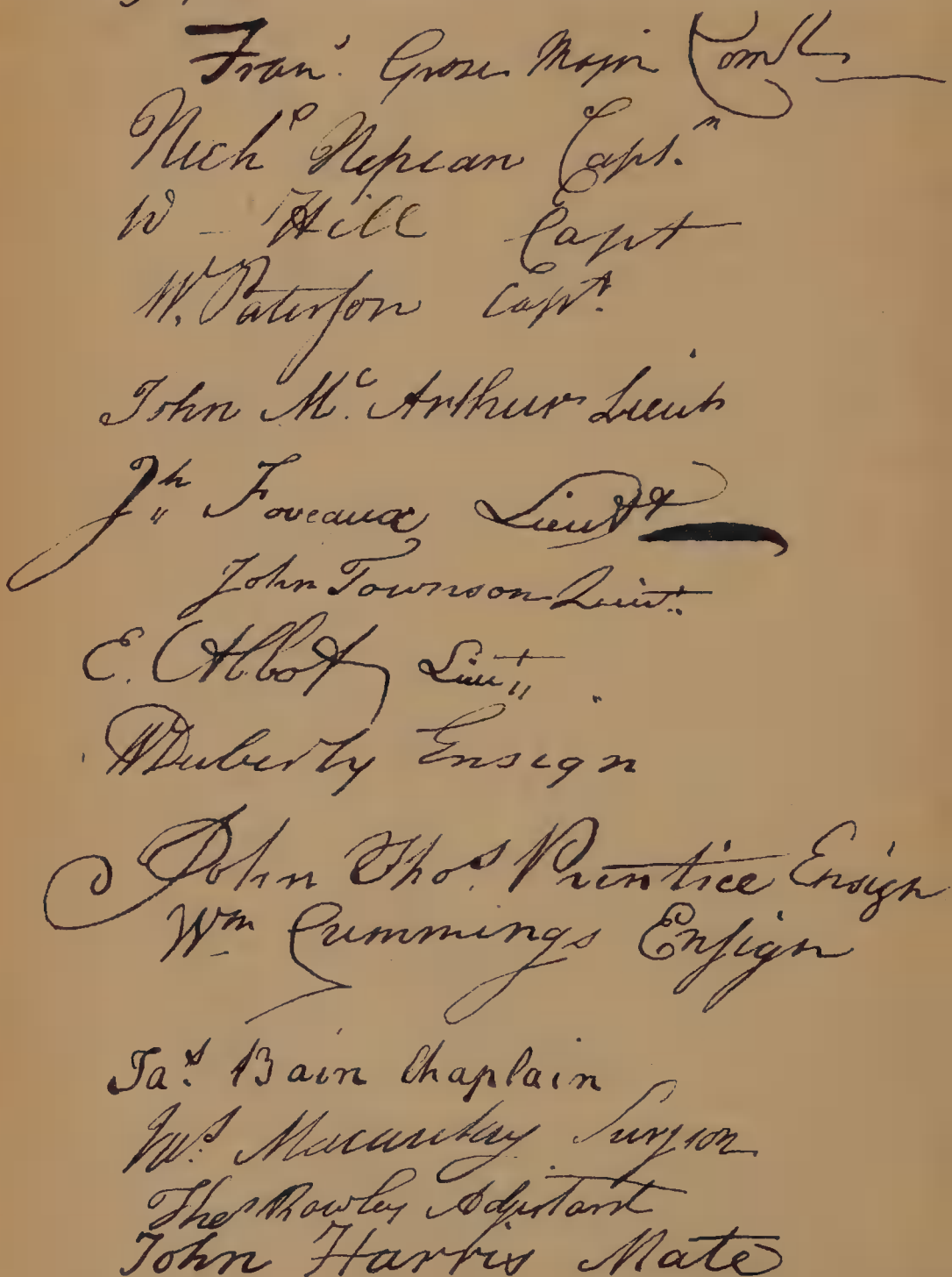
* He was afterwards promoted to the rank of major, and to the command of the Corps. While in that capacity he deposed Governor Bligh (1808), and assumed the Government. For doing this he was tried by court-martial and cashiered.

† The inference is that in Grose's view the *morale* of the Corps was superior to that of the Navy.

‡ A military prison. It was a part of the old Savoy Palace, built by Simon de Montfort in 1245, and demolished in 1381 by the followers of Wat Tyler. It was rebuilt and dedicated as a hospital by Henry VIII in 1509. In the early part of the last century parts of it served "as two marshalseas for keeping prisoners—as deserters, men pressed for military service, Dutch recruits, &c." Prints of the Savoy in 1793 and 1798 are still in existence showing the hospital and prison. At the foot of one is a statement that "this

Facsimiles of

Autographs of Officers of the New South Wales Corps.



recruits. A few months later, when a detachment of the Corps was on board the Gorgon, two soldiers from the Savoy got drunk and caused a disturbance, which was made much of by the commander of the vessel, Captain Harvey, who reported to the Admiralty that the men had mutinied. Grose wrote to the Secretary at War declaring that a "drunken irregularity," which ended in the two soldiers being put in irons, had been magnified into a mutiny, from motives of personal pique; and from the fact that Captain Harvey, although he was a *protégé* of Sir Joseph Banks, was almost immediately afterwards superseded by Captain Parker, it would seem that Grose's view of the matter was accepted by the authorities.* 1790

Soldiers from the Savoy.

As to the principal officers of the Corps, who were taken from different regiments in the Army, it does not appear that they were selected with the idea that the service was one for inferior men. Major Grose, the Commandant, was a man of good standing in the Army, and his connections were at least respectable. His father was an antiquary of note,† whose work in the branch of literature to which he devoted himself brought him considerable fame. Major Grose had a long and honorable career in the British army.

The officers men of repute.

Major Grose.

part of the Savoy is now occupied by the Army as a place of confinement for their deserters and transports."—Thornbury's Old and New London, vol. iii, pp. 95–100. The buildings were pulled down in 1819 to form the western approach of Waterloo Bridge. In Farquhar's play, "The Recruiting Officer," one of the characters declared that as an inducement to enlist, the recruiting-sergeant "promised to advance me; and indeed he did so—to a garret in the Savoy. I asked him why he put me in prison; he called me a lying dog, and said I was in garrison."—Act iii, sc. 1. For particulars concerning the system of recruiting the Army in force during the last century, see Clode's Military Forces of the Crown, vol. ii, pp. 4 and 14; and Lecky's History of the Eighteenth Century, vol. iii, p. 539.

* The correspondence on this subject will be found in the Historical Records, vol. i, part 2, pp. 420. 421.

† In Chalmers's Biographical Dictionary, Grose's father, Francis Grose, is described as "an eminent English antiquary." He was born in 1731, and was the author of numerous books, including The Antiquities of England and Wales, The Antiquities of Scotland, and The Antiquities of Ireland. He had some bent for the military profession, for in early life he entered the Surrey militia, becoming adjutant and paymaster. He died in Dublin on the 6th May, 1791, two months before his son's departure for Sydney.

1791 According to a statement of services prepared by himself, he received a Commission as ensign in the 52nd Regiment in January, 1775, and soon afterwards was fighting in the American War of Independence. He was at the Battle of Bunker's Hill, and was afterwards twice wounded—once at the storming of Fort Montgomery, and once at Monmouth Court-house. He had to leave America because of his wounds, and was employed as captain in recruiting for two years in England. It was owing to the experience gained in this work, no doubt, that he obtained the privilege of raising the New South Wales Corps. Six years before he undertook this duty he had been promoted to the rank of major in the 96th Regiment, and while serving in New South Wales he received further promotion as lieutenant-colonel. In 1795 he was obliged to return to England in consequence of his wounds breaking out, and was subsequently placed upon the staff, becoming colonel in 1798, and major-general in 1805. The statement, to which Grose's name is appended, covers nearly thirty-five years of military service. That Grose enjoyed the confidence of the British Government is shown by the fact that he was not only placed in command of the Corps, but honoured with a Commission making him Lieutenant-Governor of the colony, in which position it fell to him to administer its affairs for two years. It is evident also that he was personally known to the Home Office officials, for in writing to the Under Secretary soon after his arrival in Sydney he addressed him as "My dear friend."

At Bunker's Hill.

His subsequent career.

A dual appointment.

Captain Nepean. The senior captain, Nicholas Nepean, was the brother of Evan Nepean, the Under Secretary of the Home Office. The first record we have of his services is his appointment to the post of second lieutenant in the 58th Company of the Plymouth Division of the Royal Marines. The date is 15th December, 1776. In this capacity he served under Admiral Keppel in the engagement off Brest, 27th July, 1778. Promoted to the rank of first lieutenant of the 120th Company,

on 22nd December, 1778, he served in various divisions of the Marines until 22nd October, 1789, when he embarked for New South Wales as senior captain of the New South Wales Corps. He returned to England in the Britannia on sick leave, sailing from Sydney on 8th September, 1793. Although he did not return to the colony, he continued on the establishment of the New South Wales Corps until 1st September, 1795; when he joined the 93rd Foot as lieutenant-colonel. He was subsequently raised to the rank of brigadier-general on the staff of Great Britain, and in March, 1807, was appointed to the command at Cape Breton.

1791

He returns to England.

Of Captain William Hill less is known. Up to June, 1789, when he joined the New South Wales Corps as captain, next in rank to Nicholas Nepean, he held the post of a half-pay lieutenant in the 86th Foot. It is evident, however, from an account* sent by him to William Wilberforce, that he had the confidence of the great philanthropist, and was a man of character and ability.†

Captain William Paterson had, prior to accepting a Commission in the Corps, established a reputation as an African traveller. He published an account of his travels in the year 1789.‡ The first record of his services in the Army

Captain Paterson.

* Historical Records, vol. i, part 2, p. 366.

† Captain Hill was killed by savages at Tate Island, when on his way to England, in July, 1793. Collins says of him that he was "a gentleman of liberal education, qualified to adorn the circles of life in which his rank in society placed him."

‡ A Narrative of Four Journeys into the Country of the Hottentot and Caffraria, in the years 1777-8-9. Illustrated with a map and seventeen copper-plates. By Lieut. William Paterson. London, 1789. The volume was dedicated to Sir Joseph Banks, and contains abundant evidence of Paterson's botanical knowledge and of his powers of observation. In the Appendix a paragraph occurs from which it is evident that during the period which intervened between the date of his travels in Africa and his sailing for New South Wales, he had seen active service with the British troops in the southern provinces of India. According to Collins, Paterson was the only naturalist in the country. He says:—"About this time [March, 1795], the spirit of inquiry being on foot, Mr. Cummings, an officer of the Corps, made an excursion to the southward of Botany Bay, and brought back with him some of the head-bones of a marine animal, which, on inspection, Captain Paterson, the only naturalist in the country, pronounced to have belonged to the animal described by M. de Buffon, and named by him the Manatee."—Collins, vol. i, p. 409.

1790 Lists and Regimental Succession Books is his appointment as ensign in the 98th Foot, date 7th October, 1781; he was promoted to the rank of lieutenant on the 4th July, 1783; captain on the 5th June, 1789; major on 4th November, 1795; and lieutenant-colonel on the 19th January, 1798.

His services.

The lieutenants.

The lieutenants—Macarthur, Foveaux, Townson, and Abbott—all held Commissions in various branches of the British army prior to joining Grose's force.

Macarthur.

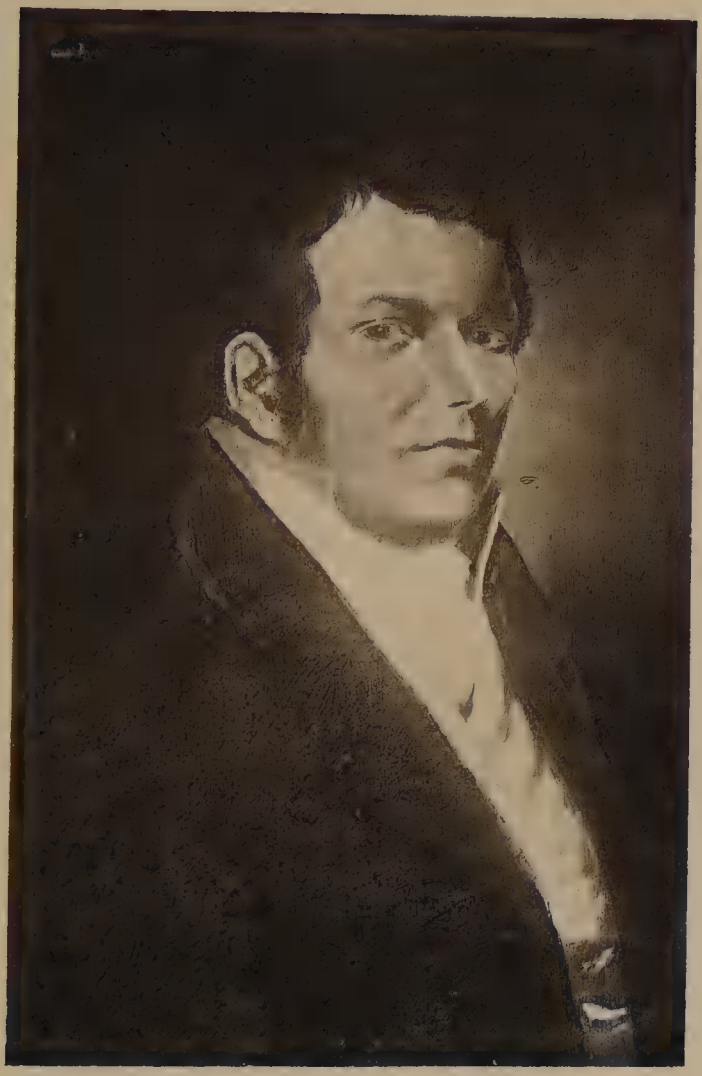
Macarthur settled in the colony after the recall of the Corps, and became one of the most remarkable figures in our history. Foveaux, prior to the departure of the Corps, attained the rank of major, and was entrusted with the Lieutenant-Governorship of Norfolk Island. He continued in the service after his return to England, and was raised in 1830 to the rank of lieutenant-general. He died in London in 1846, at the advanced age of eighty-six.

Foveaux.

Grose's solicitude for the Corps.

That Grose himself had a high opinion of the Corps as a whole, and was resolved to maintain its credit as far as possible, may be gathered from his action in the case of Ensign Duberly. While a portion of the Corps was at Portsmouth this officer was guilty of "repeated neglects and misconduct," and Grose was obliged to place him under arrest. He would readily have released the offender, he explained in a letter to Sir George Yonge, if an acknowledgment of error had been made; but the young officer obstinately refused to apologise or "make the slightest concession," preferring rather to be tried by Court-martial. Grose therefore asked that a General Court-martial might be assembled, but two days later he wrote another letter to the Secretary of War, informing him that Duberly had made "much concession," and that, therefore, he wished to withdraw the application. He was desirous, he said, of giving Mr. Duberly another chance, and added:—"I am the more anxious to avoid (if possible) his being brought to a Court-martial from an idea that, exclusive of this young man's

His humanity.



CAPTAIN JOHN MACARTHUR.

Reproduced by Heliotype from an original oil painting in the possession of the family.

destruction, it will be rather an unpleasant and disgraceful thing to the Corps."* In this matter, as well as in others, Grose displayed not only kindness of heart, but a regard for the honour of the force. In his opinion, the New South Wales Corps had a reputation to lose. 1796

An example of the practice that prevailed of drawing soldiers from the criminal classes may be found in a proposal made to Governor Hunter by the Military Department of Bengal, in a letter dated the 11th January, 1796, in which it was pointed out that, owing to the war with France, there was little probability of obtaining from England much-needed recruits for the Indian army, and it was suggested that "a number of stout young men" might be obtained from the convicts whose time of servitude had expired. Convict recruits for India.

It was not anticipated by the Indian authorities that any objection would be raised to the scheme, and it was carried so far that an agreement was made with Captain Raven, of the storeship Britannia, then at Calcutta, to return with two hundred recruits, for whom he was to receive £12 for each man landed at Bengal; and two officers, a lieutenant and a surgeon, were sent over to superintend the recruiting. Hunter refused to incur the responsibility of sanctioning the scheme. Although the expiree was regarded as a free man, it was the established policy of the Government to raise every obstacle which would prevent him leaving the colony; and Hunter, recognising that many of them would eagerly seize this opportunity, referred the matter to the Secretary of State, and, in doing so, pointed out that, while it might be desirable—when the number of expirees increased—to dispose in this way of the most turbulent of them, under the then existing circumstances it would be unwise to deprive the colony of any considerable number of labourers. His action was approved, and he was directed to signify to the Proposals of the military authorities. Hunter antagonistic.

* The correspondence is given in the Historical Records, vol. i, part 2, pp. 404, 405.

1791 Bengal authorities that permission to recruit the Indian army in the manner proposed could not be granted, as "it was conceived that the inconveniences of such a plan would more than counterbalance its advantages."

Evil of convict-recruiting.

But what tended more to the demoralisation of the Corps than the levies made from the Savoy or other English prisons was the practice which obtained in Grose's time of filling up vacancies by enlisting convicts who had served their time, and emancipating others to serve as soldiers. The question as to whether this was a proper way to maintain the strength of the garrison had been raised before Grose's arrival in the colony. In his despatch of 5th March, 1791, Phillip informed Grenville that three or four convicts had offered themselves as soldiers. He said nothing for or against the practice, but asked for instructions, remarking that although there had been "no very great impropriety in the conduct of any of those who say the time is expired for which they were sentenced, it is more than probable that they will become troublesome as their numbers increase."* This may have been intended as a hint that it would be advisable to put some of the convicts under the restraints of military discipline; but Phillip did not venture to make any recommendation. No objection, however, was raised to the enlistment of ex-convicts on the part of the British authorities, and Grose made a practice of recruiting the Corps from this source. In August, 1793, thirty men were enrolled from the convict class. They had been selected because they were men of good character, and had formerly served in the Army.† While he was administering the government Grose went further, and emancipated convicts who had a part of their time to serve, on condition that they enlisted for life. In October, 1793, twenty-three convicts were so emancipated, of whom seven had been transported for life, and three for fourteen years.‡ Whether Grose acted on his

Phillip neutral.

Grose favourable.

* Historical Records, vol. i, part 2, p. 472.
† Collins, vol. i, p. 304. ‡ Ib., p. 317.

own responsibility or sought approval from head-quarters before recruiting the Corps in this manner does not appear, but the practice at a later date received the official sanction of the British Government. The War Office having in the early part of 1797 decided to raise the strength of the Corps to ten companies, a despatch (22nd February, 1797) was sent to Governor Hunter, instructing him to consult with Major Paterson, the Commandant, as to the best means of carrying the Order into effect :— 1797

Sanctioned by Home Government.

"You will, in addition to such individuals as shall be willing to enlist, and who are not otherwise employed or engaged in the public service of the settlement, emancipate such convicts as are willing to enlist, and whose good conduct since their arrival shall best entitle them to such an indulgence." Instructions from England.

These instructions could not have been much relished by Hunter. He had previously, when complaining of the conduct of the soldiers, made some strong remarks on the constitution of the Corps, and now he was directed to employ the convict population of the colony in the same service. Much, however, was left to his discretion. Only men of good conduct were to be enlisted, and amongst the convicts were many who had been transported for trivial offences, and were not unfit for military service or other honest employment. But putting the matter in the most favourable light, this method of strengthening the Corps was open to serious objection. If it was necessary to recruit from the criminal class, it would have been better to go to the Savoy than to enlist convicts on the spot.

The objections to the practice are obvious. It is not to be supposed that because the convicts left one servitude for another they broke off all intercourse with their friends. Nothing was more improbable. Men of that kind were more likely to sympathise with the convicts than with the military, and their introduction into the Corps was a source of embarrassment, if not of danger. Undesirable method of recruiting.

1789-90

It was intended in the first instance to send out the four companies with Major Grose by the end of the year 1789. Writing to Phillip on the 24th December of that year, Grenville informed him that a detachment, consisting of about one hundred officers and men, had been put on board the Surprize, Scarborough, and Neptune, and that the remainder, consisting of upwards of two hundred more, under the command of Major Grose, would embark at Portsmouth, on board his Majesty's ship Gorgon, in the course of a few days. The first part of the plan was carried out, but not the second.

Original scheme not carried out.

The Neptune, Surprize, and Scarborough sailed on the 17th January, 1790. According to a statement dated the 21st December, 1789* (apparently an enclosure to Grenville's despatch of the 24th idem†), the detachment of the Corps embarked on these vessels was distributed as follows:—

Distribution of the Corps.

On the Neptune: Captain Nepean, Lieutenant Macarthur, and forty-three non-commissioned officers and privates.

On the Surprize: Captain Hill, Ensign Prentice, Mr. Harris (Surgeon's Mate), and twenty-eight non-commissioned officers and privates.

On the Scarborough: Lieutenants Abbott and Townson, and thirty-two non-commissioned officers and privates.

In all, seven officers and one hundred and three non-commissioned officers and men. The names of the officers on each ship are not given in the official papers; but they are mentioned by Mrs. Macarthur in her journal.‡

Beyond the narrative sent by Captain Hill to Mr. Wilberforce,§ and the journal kept by Mrs. Macarthur,|| nothing descriptive of the voyage is known to have been preserved. Captain Hill's letter is valuable as the testimony of an eye-witness to the ill-treatment the convicts received on board the transports; and although Mrs. Macarthur's journal is

Convict treatment on transports.

* Historical Records, vol. ii, p. 432.
† Historical Records, vol. i, part 2, p. 284.
‡ Historical Records, vol. ii, p. 489.
§ Historical Records, vol. i, part 2, p. 366.
|| Historical Records, vol. ii, p. 487.

taken up chiefly with matters personal to herself and her husband, it is of interest as bearing on the conduct of the men who had charge of the convict vessels in those days. 1789

Mr. and Mrs. Macarthur underwent many trials on board the Neptune. Trouble began before the fleet left England. While the Neptune was at Plymouth, Macarthur had a dispute with Captain Gilbert, the master of the vessel, and fought a duel with him on shore.* A duel.

Captain Nepean, who was in charge of the detachment on board, sent an account of the affair to his brother the Under Secretary, and Captain Gilbert was superseded by Captain Trail. So far as the Macarthurs were concerned, the change was for the worse. They were subjected to serious annoyances, which are fully described in Mrs. Macarthur's journal, and no redress could be obtained from either Captain Trail or Captain Nepean. Affairs on board the Neptune came to a climax one day, when Macarthur, having brought his superior officer on deck to hear a complaint against Captain Trail, was reprimanded, instead of receiving the support he looked for. Upon this Macarthur applied for permission to exchange to the Scarborough, and as no opposition was offered he completed the voyage in that vessel. The master of the Scarborough, Captain Marshall, is very highly spoken Captain Gilbert superseded. Macarthur exchanges from Neptune to Scarborough.

* Accounts of the affair got into the London newspapers. The *Morning Post*, of 2nd December, 1789, gives the following version :—"Saturday, in consequence of a private dispute on board the Neptune, Captain Gilbert, the commander of that ship, attended by his second, Mr. Nelson, of Plymouth Dock, met by appointment Lieutenant Macarthur, of the Botany Bay Rangers, with his second, the surgeon's mate of the Neptune, at the old Gun Wharf, near the Lines. The distance of ten paces being measured, both gentlemen fired their pistols together ; Lieutenant Macarthur's ball passed through Captain Gilbert's coat. They then fired a second pistol each, without effect, when the seconds interposed, and the business was settled by Lieutenant Macarthur declaring Captain Gilbert's conduct was in every respect that of a gentleman and a man of honour. In the evening Lieutenant Macarthur declared the same on the quarter-deck of the Neptune, to the satisfaction of all parties. It is said the quarrel originated on a refusal of Captain Gilbert to admit Lieutenant Macarthur into his own private mess ; at the same time he offered him every accommodation for himself and his family the ship would allow. This brought on some dispute, which occasioned very high words, but we are happy the duel ended without bloodshed."

1789 of by Mrs. Macarthur; but the voyage was one of suffering for her and of danger to her husband, for after leaving the Cape he was seized with the fever which was raging in the ship, and for several days his life was despaired of. Macarthur and Nepean had unfortunately quarrelled before they left England. Mrs. Macarthur was, apparently, unaware of the fact when she wrote her journal, for she not only made no allusion to it therein, but writing from Sydney in March, 1791, she remarks, "we shall be pleased to remove anywhere with Captain Nepean; he is a truly good-hearted man, and has, I believe, a great friendship for Mr. Macarthur";* but if the quarrel had been patched up it had not been forgotten, and probably rankled in the minds of both men. The dispute was afterwards revived, and was carried so far that Nepean, after his arrival in Sydney, endeavoured to bring Macarthur to a Court-martial for conduct alleged to have taken place "a considerable time before he left Europe."† As there would have been great, if not insuperable, difficulty in holding a General Court-martial, Sir George Yonge, the Secretary of War, wrote to Phillip in July, 1792, for a report, with the object of having the case settled by the War Office; but while correspondence was proceeding, the matter, through the friendly interposition of Grose, was arranged.‡

Seized with fever.

Nepean's charge against Macarthur.

Grose as peacemaker.

The Neptune, Scarborough, and Surprize arrived, as already stated, towards the end of June, 1790. They bore despatches from the Secretary of State informing Phillip that Major Grose, who had been appointed Lieutenant-Governor, was about to follow with the rest of the Corps, and that on his arrival Major Ross and the marine detachment, with the exception of those who wished to remain in the colony, were to embark as soon as possible for England.§

Ross ordered Home.

* Historical Records, vol. ii, p. 501.

† Letter from Sir George Yonge to Governor Phillip.—Historical Records, vol. i, part 2, p. 630.

‡ Historical Records, vol. ii, p, 28.

§ Historical Records, vol. i, part 2, p. 285.

1791

Instead of coming out at the time proposed, Grose remained in England until July, 1791, when he took his passage in the Pitt, arriving in Sydney on the 14th February, 1792. In November, 1790, he represented to Nepean the poor character of the "accommodations" allotted to himself and his brother-officers on board the Gorgon, the vessel in which it was at first intended he should sail with the remainder of the Corps.* He complained that every comfortable situation in the ship was occupied by the naval officers, "who profess a positive resolution of messing by themselves," and he asked that arrangements might be made so that if the officers of the Corps were to live by themselves an "eligible" place for their mess might be allotted to them. Grose was the more anxious to have better accommodation because he was accompanied by his wife and family. The difficulty was removed by abandoning the original intention of sending all the remaining officers and men out in one vessel. In view of the fact that it was intended to send out about two thousand more convicts, it was deemed expedient to detain the troops and distribute them as guards on the convict ships. The change of plan was announced in a letter from Grenville to Phillip, 19th February, 1791 :—

Grose dissatisfied with quarters on ship.

Cliquism on transports.

Embarkation plan altered.

"It has been judged expedient that the detachment of the New South Wales Corps originally intended to accompany Major Grose in the Gorgon should assist in guarding the convicts mentioned in my letter to you, No. 9 [16th November, 1790],† which have since been increased by clearing the gaols in Ireland to about 2,050, all of whom will, I expect, be embarked on board the several transports mentioned in the enclosed list,‡ and will proceed on their voyage in the course of the present month."§

The force distributed among the ten vessels is not stated, but a comparison of the official returns of July, 1790, and

* The Gorgon sailed in March, 1791, and arrived at Sydney on 21st September.

† The number of convicts mentioned in this despatch was 1,800.

‡ The transports referred to were provided by Messrs. Camden, Calvert, and King. They comprised the Queen, Atlantic, William and Ann, Britannia, Matilda, Salamander, Albemarle, Mary Ann, Admiral Barrington, and Active.

§ Historical Records, vol. i, part 2, p. 461.

1791 December, 1791,* shows that on the latter date the strength of the Corps then present in the colony had been increased from one hundred and three to two hundred and seventy-three, including seventy-six stationed at Norfolk Island. The transports must therefore have brought out about one hundred and seventy of all ranks, including Captain Paterson and several of the subalterns. The rest of the officers remained in England with Major Grose until the Pitt sailed. This vessel took on board one company of the Corps, commanded by Captain Hill. The sixth company came out afterwards in detachments as guards for the convict ships.

Corps shipped on various transports.

The voyage of the Pitt was marked by misfortune. After leaving St. Jago,† where the vessel put in for refreshments, the troops were attacked by a malignant fever, which carried off a large number. The commander, Captain Manning, in a letter to Alderman Macaulay, the head of the firm from which the transport was hired, describes the misfortune in forcible language :—

Disastrous voyage of the Pitt.

"For a considerable time our scene was truly melancholy. In fourteen days we buried twenty-seven seamen, soldiers, their wives and children. Scarcely a person escaped death who was watering on shore at that d—— place, St. Jago."‡

From a return sent by Grose to the Admiralty, from Rio de Janeiro, it appears that thirteen soldiers were carried off by the fever. He attributed the outbreak to the defective arrangements on board. Captain Manning, on the other hand, regarded it as due to climatic causes, the time of the year at which the island was visited being notoriously unhealthy; this theory is upheld by the fact that while the soldiers and sailors, who had liberty on shore, suffered severely, the convicts, who were confined to the ships, escaped the fever altogether. Grose lost on the voyage

Conflicting statements as to cause of fever.

* Historical Records, vol, i, part 2, pp. 365 and 568.

† St. Jago, the largest of the Cape Verd islands : this form of the name has disappeared from the maps. The island is now known as Santiago.

‡ Historical Records, vol. i, part 2, p. 527. Captain Manning's letter was published in the *Public Advertiser* (London) of date 9th February, 1793.

about one-sixth of the detachment; and on the 26th March, a month after his arrival, the total strength of the Corps at Sydney, Parramatta, and Norfolk Island was returned at three hundred and forty, rank and file. 1792 One-sixth of detachment die.

When Grose arrived at Sydney, in February, 1792, the Corps consisted of six companies, one of which, however, remained in England.* Its strength was shortly afterwards increased by the formation of one extra or auxiliary company, enlisted by Phillip from the marines who elected to remain in the colony as soldiers.† The command of this company was given to Captain-Lieutenant Johnston, the only officer of the marines (with the exception of Collins) who did not return to England at the expiration of the three years' term of service. The question having arisen as to whether Johnston's seniority was to date from his appointment to this company, Phillip communicated with the War Office, and was informed in a letter from Sir George Yonge, dated 4th July, 1793, that, "as Captain Johnston only obtained that rank in the marines on the 25th September, 1792, his Commission as captain of a company in the New South Wales Corps cannot be dated earlier than that day." The auxiliary company was placed on the establishment on the 25th of June, 1793, and thus became part and parcel of the New South Wales Corps. This brought the strength of the Corps up to about five hundred officers and men, but as the convict population increased, further augmentations became necessary. For a time the Government adopted the expedient of taking men from regiments on service in England and sending them as guards of transports to Sydney, where they were added to the New South Wales Corps. But this plan was not approved of at the War Office, and in February, 1794, the Secretary

Strength of the Corps.

Johnston to command the auxiliary company.

Mode of augmenting the Corps.

* The company which remained in England was sent out at various periods as guards on convict ships, and merged as they arrived into the six companies located in the colony. In this way, although the Corps nominally consisted of seven companies, only six were actually on service in the colony up to the year 1796.

† Authority for this was given in Grenville's despatch, 24th December, 1789.—Historical Records, vol. i, part 2, p. 286.

1794-97 of War wrote to the Home Office,* stating that there were no men belonging to Major Grose's corps left at Chatham, and that he did not suppose the Government would approve of his ordering any recruits of other corps to be sent to New South Wales "against their inclination." In May, 1795, a guard being required for the Lord Cornwallis, transport, Major-General Fox received instructions from the War Office to transfer to Major Grose's corps such a number of "volunteers" from the recruits under his command as would be sufficient to make up a detachment of twenty-five men, each volunteer to receive an extra bounty of a guinea and a half. Two commissioned officers, appointed by the Duke of York, who commanded the forces at that time, were to go with the detachment.

Bounties to transport guards.

This step, however, was only taken to meet an emergency. On the 10th June, 1796, the War Office authorised Grose, who had returned to England, but was still in command of the Corps with the rank of lieutenant-colonel, to raise two fresh companies, which were to be "of the same establishment as the other companies of the Corps." The nomination of the officers was left to Grose, but it was stipulated that the officers recommended for companies should have served two years as subalterns, and that "the gentlemen named for ensigns" should not be under sixteen years of age. Recruits for the Army were now at war price,† and instead of three guineas (the bounty given when the first detachment of the Corps was raised), Major Grose was now allowed "seven pounds ten shillings for each recruit."

Corps to be increased.

Bounty money.

The two companies were raised in due course, and in less than a year afterwards, February, 1797, the War Office proposed to raise an additional company. This increase, according to a statement annexed to a letter sent from the War Office to the Paymaster-General, would have raised the number of companies to ten, with a total strength of nine

* Historical Records, vol. ii, p. 124.

† Great Britain was at this time engaged in a serious conflict with France.

hundred and forty-eight. But for some reason not stated, the instructions, less than a month afterwards, were countermanded. In December, 1802, the force numbered five hundred and twenty-four non-commissioned officers and men. In 1805 the strength was increased to six hundred and fifty-six. In 1807 two fresh companies were added to the Corps, bringing up the nominal strength to eleven companies of eight hundred and sixty-six non-commissioned officers and privates. 1797-1809

Strength of Corps 1797-1807.

On the 26th January, 1808, Major Johnston, who then had the command, placed Governor Bligh under arrest, and assumed the Government. As soon as the fact became known to the authorities in England it was decided to recall the Corps, and instructions were given for the 73rd Regiment, then stationed in Scotland, to take its place. Upon its recall the name of the force was changed from the "New South Wales Corps" to the "102nd Regiment." The change of name was made on the suggestion of the Duke of York, Commander-in-Chief, in a letter to Lord Castlereagh, dated 20th October, 1808. Castlereagh suggested that it would be better to establish it as a second battalion "to some of the regiments already numbered"; but this was not done, and on the 4th March, 1809, the Mustermaster-General of the British army was notified by the War Office that the title of the Corps had been changed to the 102nd Regiment.* In December, 1809, Lieutenant-Colonel Macquarie, who had been appointed to the Governorship, arrived at Sydney, in command of a battalion of the 73rd Regiment, seven hundred strong, which relieved the New South Wales Corps. But while instructions were given to Macquarie to take care that every officer belonging to the Corps, including Colonel Paterson and Lieutenant-Colonel Foveaux (who were not in the colony when the Government was subverted), "do proceed to

Bligh's arrest, and recall of the Corps.

102nd Regiment, late New South Wales Corps.

Macquarie's arrival with 73rd Regiment.

* In the London *Times* of 30th January, 1809, appeared the following announcement:—"The New South Wales Corps is for the future to be called the 102nd Regiment."

1810 England with the regiment,"* he was expected to make up the full strength of his regiment by voluntary enlistment from the force which had been recalled. He had no difficulty in getting volunteers. On the 30th April, 1810, he wrote to Lord Castlereagh :—

73rd Regiment recruited from 102nd.

"I have much pleasure in informing your Lordship that a sufficient number of volunteers have turned out from the 102nd to complete the 73rd Regiment within nineteen men of the full establishment of 1,000 rank and file.

"A great number of old soldiers of the 102nd who had served long in this country wished to remain in it . . . . . I have taken the responsibility upon myself of forming them into an invalid or veteran company for the service of the colony until his Majesty's pleasure shall be known. . . .

An invalid company.

I have made the establishment of this invalid company one hundred rank and file, with the usual proportion of sergeants and drummers, to be under the command and charge of an officer of the 73rd Regiment, until I shall receive orders from Home respecting it."

The augmentation of the 73rd Regiment from the New South Wales Corps did not stop here. The strength of the Corps had been raised in 1807 to eight hundred and sixty-six non-commissioned officers and privates, but only three hundred and forty-five non-commissioned officers and men went home with the regiment. Upwards of five hundred men have therefore to be accounted for, and it would seem that most of them joined the 73rd Regiment. Writing to Lord Liverpool on the 9th November, 1812, Macquarie pointed out that he had not sufficient barrack accommodation for the garrison, increased as it had been by drafts from the 102nd Regiment :—

Want of barracks.

"At the present time the 73rd consists of 1,128 men, independent of their women and children, and the Veteran Company, 106 men, with their proportion of women and children. Total, 1,234 soldiers."

* Letter from Lord Castlereagh to Governor Macquarie, 14th May, 1809.

1807-23

As the strength of the battalion brought out by Macquarie was "about seven hundred," it follows that upwards of five hundred men were added after its arrival, which is as nearly as possible the number left behind from the New South Wales Corps.

The New South Wales Corps was thus split in two. One part returned to England as the 102nd Regiment; the other remained in New South Wales, and became part and parcel of the 73rd Regiment.

Movements of the Corps 1807–1818.

From 1807 to 1811 the 102nd Regiment appears on the pay-lists as a regiment of ten companies; in 1812 and 1813 it numbered eleven companies, but was afterwards reduced to ten. From 1812 to 1817 the regiment was engaged partly on foreign service and partly on service in Ireland. A portion of the regiment was despatched to the Bermudas in July, 1812, and in June, 1814, took part in an expedition against Moose Island, in America, which capitulated on the 11th July. In February, 1816, the 102nd, by direction of the Prince Regent, became the 100th Regiment. Towards the close of 1817 the companies which had been doing duty abroad returned to England; those which were on service in Ireland were recalled, arriving early in March, 1818, at Chatham, where, on the 24th March, 1818, the regiment was disbanded.

102nd Regiment disbanded.

The Veteran or invalid company.

The Veteran Company enjoyed a life of twenty-one years. It was formed on the 10th March, 1810, and as long as the 73rd Regiment remained in the colony was linked with that regiment as an invalid company. In the lists for March, 1814, it is described as the "New South Wales Veteran Company," and from that date to September, 1823, it was linked with the 46th Foot and 48th Foot, the regiments which followed the 73rd in the performance of garrison duty in New South Wales.

THE DISPOSAL OF CROWN LANDS UNDER PHILLIP.

1789

Phillip and the land question.

PHILLIP's sentiments in regard to the alienation of Crown lands were worthy of the man who did not doubt "that this country will prove the most valuable acquisition Great Britain ever made."* Prior to the departure of the First Fleet from England, and before his General Instructions were drawn up, he had impressed upon the Government the desirability of furnishing specific directions respecting land grants to seamen and marines. It is evident he was anxious to put free men, and not convicts, in possession of the soil. His chief anxiety in regard to the latter was that they should be kept apart from the rest of the community.

The "foundations of an empire."

"As I would not wish convicts to lay the foundations of an empire, I think they should ever remain separated from the garrison and other settlers that may come from Europe, and not be allowed to mix with them, even after the seven or fourteen years for which they are transported may be expired."†

When he received his General Instructions, Phillip discovered that the views of the authorities on this point were diametrically opposed to his own. The only class to which he was empowered to issue land grants was the emancipated convicts, to whom he was directed to allot areas as follows:—To single men, 30 acres; to married men, 50 acres, and an additional 10 acres for each child, with provisions, in each case, for twelve months, and tools, seed, and

Apportionment of land grants.

* Historical Records, vol. i, part 2, p. 151. † Ib., p. 53.

stock from the public store. So far as seamen, marines, and other free men were concerned, Grenville was content that they should wait until Phillip had examined the country and reported upon its capabilities, and upon the terms and conditions on which he thought the land ought to be distributed. 1788-89

In compliance with these instructions, Phillip reported in July, 1788, as follows:—

"Lands granted to officers or settlers will, I presume, be on condition of a certain proportion of the lands so granted being cultivated or cleared within a certain time, and which time and quantity can only be determined by the nature of the ground and situation of the lands . . . . . they [the officers and settlers] likewise must be allowed convicts, who must be maintained at the expense of the Crown. Grants to officers and settlers.

"Your Lordship will be pleased to consider this opinion as given in obedience to orders, on a subject which requires more consideration than I can give it at present, and at a time when I have only a very superficial knowledge of the country for a few miles around."*

This despatch reached England in March, 1789; and in June following, Grenville wrote, in reply, that the matter would be submitted to his Majesty by an early opportunity. By one of the vessels of the Second Fleet, which arrived at Sydney in June, 1790, Phillip received Instructions under the Royal Sign-Manual with respect to grants of land to be made to non-commissioned officers and privates who might prefer to remain in the colony when the detachment was relieved, and to "such other persons as may be disposed to become settlers." The document is known as Phillip's "Additional Instructions." It was evidently drawn up with one single object in view, namely, to induce the non-commissioned officers and men of the marine corps to settle in the colony, when their three years of service were ended. Further instructions respecting land grants. Military induced to settle.

* Historical Records, vol. i, part 2, p. 177.

1789 Phillip, accordingly, was directed to issue grants to all soldiers who were willing to remain, as follows :—

To married men.—Non-commissioned officers, 150 acres; privates, 100 acres; and, in each case, 10 additional acres for every child.

To single men.—Non-commissioned officers, 130 acres; privates, 80 acres.

Privileges. He was to allow them from the public store, clothes, provisions, seed-grain, tools, and implements, sufficient for one year, free of charge; and assign to them the services of any number of the convicts—"you may judge sufficient to answer their purpose"—on condition of the grantee maintaining them in a satisfactory manner. If the marines preferred to enlist in the relieving corps, they were to receive a bounty of £3 per man, and, at the end of five years' service, double the quantity of land.*

No encouragement to free settlers. The free settlers, about whom Phillip was so anxious, were practically shut out. If any of them found their way to the colony, he was instructed to give them every encouragement "without subjecting the public to expense." Grants of land could be given to them; but they must not exceed the area allowed to non-commissioned officers. The services of convicts were, if required, to be assigned to them; but neither for themselves, nor for the convicts so assigned, were they to be allowed clothing or provisions, seeds or tools, from the public store. No inducement whatever was held out to them; and Phillip saw at once that unless this was done it was hopeless to expect that the colony would be anything more than a penal settlement for many years.

This must have been a severe disappointment to him. Upon no point had he been so emphatic in his despatches to Whitehall as upon the necessity for placing free settlers upon the soil; he had, from the first, been convinced that the prosperity of the settlement depended upon it, and the

* These Instructions will be found printed at length in the Historical Records, vol. i, part 2, p. 256.

conviction was confirmed by experience. By the transports which returned to England after landing the first convicts and stores, he informed Lord Sydney :— 1789-91

"If fifty farmers were sent out with their families they would do more in one year in rendering this colony independent of the mother country *as to provisions* than a thousand convicts.* Phillip's advocacy for practical farmers.

"The sending out settlers who will be interested in the labour of the convicts and in the cultivation of the country appears to me to be absolutely necessary."†

In the despatches of February, 1790, carried by Lieutenant P. G. King, he reported :—

"If settlers are sent out, and the convicts divided amongst them, this settlement will very shortly maintain itself, but without which this country cannot be cultivated to any advantage."‡

In replying to Grenville's despatch which covered his Additional Instructions concerning the issue of land grants, Phillip contented himself with remarking :—

. . . I have had the honor of observing in my former despatches that settlers appear to me absolutely necessary."§

In March, 1791, he returned to the subject :—

"After three years' experience, I am not only fully persuaded that the sending out settlers, amongst whom the greatest part of the convicts should be distributed, and supported by Government for a certain time on some such plan as proposed in my former letters, is necessary; but I am persuaded that a large body of convicts on the account of Government will not answer any good purpose until the country can support itself."‖ Free settlers *versus* convictism.

No notice having been taken of his representations, Phillip wrote to Nepean in November, 1791, in the following terms :—

"My former letters have pointed out the great necessity of a few intelligent, good settlers, who would have an interest in their own labour, and in the labour of those who might be employed under them; but to which I have not received any answer. . .

* Historical Records, vol. i, part 2, p. 153.
† Ib., p. 177. ‡ Ib., p. 299. § Ib., p. 347. ‖ Ib., p. 470.

1791 The colony is now in such a situation that a few honest settlers who have been bred to agriculture, being sent out, may, in a very short time, be the means of taking off the heavy expense which Government has hitherto been at for supplying this colony with provisions."*

Free settlers lessen expenditure.

To Dundas, in March following, he wrote :—

"I have, sir, in all my letters pointed out the great advantages which would attend our having a few intelligent farmers as settlers. They would do more for the colony than five hundred settlers from soldiers or convicts."†

Phillip's advice disregarded.

It will be seen from these extracts, culled from Phillip's despatches during the first four years of the life of the settlement, what importance he placed upon the introduction of agricultural immigrants ; and what little heed was taken of his oft-repeated requests and warnings.

The persistent manner in which the Imperial authorities ignored Phillip's recommendations in this, as in other matters, forces us to the conclusion that the management of Colonial affairs at Whitehall—so far at least as New South Wales was concerned—was delegated to subordinates.‡

Shortly after Phillip's first despatches reached England, Grenville took charge of the Colonial Office ; but, like his predecessor, he appears to have failed to appreciate the significance of the undertaking. Neither in his voluminous miscellaneous correspondence§ nor in his Parliamentary utterances can any allusion to the colony be found. The despatches and instructions to Phillip, which emanated from

Grenville's apathy.

* Historical Records, vol. i, part 2, p. 557. † Ib., p 597.

‡ Henry Taylor, who commenced his official life as a clerk in the Colonial Office, mentions in his Autobiography (vol i, p. 70), that while but a young man, and during the first decade of his service, the Governor of an important colony was recalled at his instance. The Secretary of State was, at first, not prepared for so strong a measure ; but, "Nowise discouraged by his reluctance, I proceeded to draw up an elaborate and voluminous despatch, recapitulating the Governor's errors and misdoings from the commencement of his administration, and ending with his recall. The Secretary of State gave way, the despatch was signed, and the Governor came home accordingly."

§ See Memoirs of the Court and Cabinets of George III—By the Duke of Buckingham and Chandos.

the Colonial Office while he was in power, contain no indications of the administrative ability with which his contemporaries credited him. In the heat of party strife and the pressure of the domestic affairs of the Empire (which formed the chief business of his Department), Grenville appears to have lost sight of the infant colony, or to have regarded it merely as a convenient solution of the problem presented by the overcrowded gaols. "The penal colonies," wrote one of the leading authorities on the administration of Colonial affairs, "were regarded as mere conveniences for the execution of justice at Home, and excited no farther interest in the minds of statesmen."* If any further proof be needed of the failure of the leading statesmen of the time to realise the significance of Phillip's mission, it can be found in the fact that Henry (afterwards Lord) Brougham, in a comprehensive treatise on the "Colonial Policy of European Powers," published in 1803, while he devoted considerable space to small insular settlements in the West Indies, made no allusion whatever to New South Wales, which had then been an occupied part of the British Dominions for fifteen years.

1790

The Colonial Department.

Estimate of value of penal colonies.

English statesmen and New South Wales.

In acknowledging the receipt of Grenville's despatch covering the Royal Instructions concerning land grants, Phillip wrote that he would obey the directions he had received, but he was compelled not very long afterwards to tell the Secretary of State that they would have to be carried out according to the spirit rather than the letter. In March, 1791, he gave grants to some marines and sailors who had returned to Sydney from Norfolk Island, where they had cleared land with the view of settling upon it. It would have been impossible, he explained, for these men to maintain themselves at the expiration of twelve months, and he undertook on his own responsibility to give them eighteen months' provisions, to build huts for them, and clear half an acre of land for each. These cases were

Land grant instructions.

A necessary deviation.

* Colonization and Colonies—By Professor Merivale—Preface.

1791 treated as exceptions at the time, and Phillip informed the Secretary of State that he should not deviate from the Additional Instructions in future. Eight months later, however, he wrote to say that he had been compelled by the force of circumstances to again depart from the Instructions. To what extent he did so is shown by an enclosure that accompanied the despatch.* Settlers were to be supported with provisions and clothing from the public store for eighteen months instead of twelve, and to receive the necessary implements of husbandry and live stock and seed. Huts were to be built for them, a portion of the land cleared; and in one case four convicts—supported from the public store—were allowed for eighteen months. The propriety of making this departure from the Instructions was not questioned by the authorities in London, who had satisfied themselves, according to Dundas's despatch of the 10th January, 1792, that an allowance of one year's provisions was insufficient.†

Government aid to settlers.

Home Government acquiesces.

In regard to land grants to settlers from the convict class, a great distinction was drawn between the emancipist and the expiree. In the case of the former the Governor was allowed no discretion. If he emancipated a convict he was bound by his General Instructions to give him a grant of land, tools, seeds, &c., and to provision him for twelve months from the public store. In the case of the convict whose term of servitude had expired a grant of land could be made, and even tools and provisions allowed for "a limited time"; but the concession was an act of grace, dependent on the good behaviour of the convict, or on the likelihood of his returning to England unless sufficient inducement was held out to detain him in the colony.

Emancipist and expiree land grantees.

* Historical Records, vol. i, part 2, pp. 539, 540.

† The opinion of the settlement on the question is thus stated by Collins (vol. i, p. 129) :—"The period fixed by Government for victualling a settler from the public stores—twelve months—was, in general, looked upon as too short, and it was thought not practicable for anyone at the end of that period to maintain himself, unless during that time he should have very great assistance given him, and be fortunate in his crops."

1789

There was a remarkable omission in Phillip's Instructions concerning land grants. While provision was made for the non-commissioned officers and men of the marine force, nothing was said about grants to the commissioned officers. Phillip, on his own responsibility, had given them small plots of land, which they were encouraged to cultivate with the aid of convict labour, and such live stock as could be spared; but the land was only held on sufferance, the occupiers had no ownership in it, and when they left the colony they could neither sell it nor the improvements they had made upon it; when their occupation ceased, their interest in the land ceased also.

Land grants to the marines.

In his first despatches Phillip mentioned that the officers felt this to be a hardship; but nothing was done to remedy it, and when the officers of the New South Wales Corps arrived to relieve the marines they were much chagrined to find that they were no better off in this particular than their predecessors. They had joined the Corps with the knowledge that free grants of land would be made to settlers, and in the expectation that they would be allowed to participate in the good things to be distributed. Phillip was well aware of this, as is shown by his despatch to Dundas of the 4th October, 1792. "The officers in the New South Wales Corps," he wrote, "have supposed on coming to this country that lands might be granted to them, with indulgences similar to those which have been granted to settlers." Some of them, there cannot be the least doubt, joined the Corps chiefly because of the special advantages which belonged to life in a new settlement, where land was to be given away. Such appears to have been the case with Lieutenant John Macarthur, who exchanged from the 68th Foot into the New South Wales Corps, and came out to the colony with his wife, to whom he had not long been married. The voyage to a distant uncivilised country, and the separation from relatives, friends, and associations which the new appointment involved, would have discouraged and alarmed many women;

Commissioned officers and the land.

Acquisition of land motive for joining Corps.

1789 but Mrs. Macarthur, so far from opposing the plan, was, to use her own words, "a warm advocate for it." In a letter to her mother, written from Chatham Barracks shortly before the first detachment of the Corps sailed for Sydney, she refers to her husband's exchange into "the Corps destined for New South Wales, from which we have very reasonable expectation of reaping the most material advantages."

Prospective advantages.

The feeling that prevailed among the military officers when it was found that no provision had been made for them in the allotment of land finds expression in the letter which Captain Hill, of the New South Wales Corps, wrote to Wilberforce, describing the iniquities practised on board the vessels of the Second Fleet. Having finished his account of the voyage, Hill gave his impressions of the colony, which were anything but favourable. Coming to the land question, he said :—

Captain Hill's comments.

"In America the officers and settlers had grants of land in proportion to their rank ; but those of the marines who are now here, and have borne every hardship, have no such thing, neither is there an intention of giving each their portion. In my humble opinion nothing can be more impolitic. Industry is the first essential to the welfare of any kingdom, consequently all measures that are adopted to promote it are highly commendable ; and I am well persuaded Britain will not thank our Governor for acting, not only on a mean but on an unstable plan, to the great disquiet of every individual in the colony, and the certainty of bringing an endless burthen on the mother country."*

Ostensibly, this is Hill's personal opinion, written for the information of the great philanthropist, but there can be little doubt that it also represented the views of the marine officers, who had been denied their "portion" of land. It is not easy to see why the blame should have been cast upon the Governor. The marine officers must have known what the Instructions were, even if they had

Governor not responsible.

* Historical Records, vol. i, part 2, p. 370.

not been publicly exhibited, for one of their number, Judge-Advocate Collins, quotes them in his book. Captain Hill and the other officers ought to have been aware, from their military experience, that when a servant of the Crown receives written instructions, whether they are based upon a mean or a liberal policy, no course is open to him but to obey them. Phillip was not responsible for the policy that had been decided upon by the British Government; his function was to carry it into effect according to his instructions. Evidently, however, he was credited with a desire to keep from the marine officers what was regarded as a right. It may have been thought that he was taking this means of showing his disapproval of the obstructive conduct which some of them had pursued. If so, the suspicion was unfounded. The provisions as to land grants contained in the Additional Instructions were not made on Phillip's recommendation; he knew nothing about the conditions until he received the Additional Instructions, with orders for his "exact compliance" therewith.

1790

Phillip unjustly blamed.

The object the British Government had in view in framing the Additional Instructions was to promote the settlement of the land. Whether any of the non-commissioned officers and men would like to remain in the colony when the three years' term of service had expired was not known to the Government at the time, but there was every reason to suppose that the officers, or the majority of them, intended to return to England as soon as they were relieved; and as grants of land were not offered as rewards, but with the object of inducing persons to settle in the colony, the circumstance that grants to officers were not provided for in the Additional Instructions should excite no surprise. The Government did not act on mere supposition. In October, 1788, the commanding officer, Major Ross, transmitted to the Admiralty replies from the marine officers, who had been requested to state whether they desired to return at the end of the three years for which they had engaged,

An inducement to settlers.

1791 or remain in the colony. Out of the eleven officers belonging to the detachment, six intimated their wish to return at the end of the three years' term, or as soon afterwards as might be convenient, and the other five sent in answers which showed little disposition on their part to remain in the colony as settlers.* That the Government was not averse to officers settling in the colony is evident from the fact that when a request was made for grants of land for them it was readily complied with. On the 24th November, 1791, rather more than a year after the Additional Instructions had reached him, Phillip wrote to the Secretary of State informing him that several of the officers had applied to him for land grants, and asking for instructions.

Marines not permanent residents.

At this time the position had undergone some change. Most of the officers of the marine detachment had made arrangements to return to England by the Gorgon, which sailed a month afterwards. Those referred to by Phillip must therefore have consisted chiefly of officers of the New South Wales Corps, who were intended to be stationed permanently in the colony, and consequently enjoyed advantages in the matter of land occupation which the marines, whose period of service was three years, did not. In dealing with the officers' request the British Government adhered

Grants to officers of New South Wales Corps

* The answers of five officers to the question as to whether they were desirous of remaining in the colony were as follows:—Watkin Tench, captain-lieutenant—"As a soldier for one tour of three years more." George Johnston, first lieutenant—"Having been so short a time in this country, cannot determine whether he would wish to remain or not; as to settling, can say nothing." John Johnstone, first lieutenant—"Having been so short a time in this country, cannot determine whether he would wish to remain or not; as to settling, can say nothing until he knows on what terms." James Maitland Shairp, first lieutenant—"Being so short a time in the country, he cannot yet judge whether he would wish to remain or not; as to settling, until he knows the terms and nature of the grant, can't determine." William Dawes, second lieutenant—"As a soldier for one tour of three years more."—Historical Records, vol. i, part 2, p. 201. On the 10th July, Ross forwarded letters to the Admiralty from Lieutenants Poulden, Timins, Davey, Clarke, Creswell, and Kellow, requesting that they might be relieved at the expiration of three years, on the ground that private affairs in England required their attention.—Ib., p. 165. Captain Collins, the Judge-Advocate, also wished to return to England; in December, 1792, he wrote to Dundas asking to be relieved from further service in the colony, but the application was not granted.—Ib., p. 674.

to the principle laid down from the first—that land was to be parted with only for the purposes of settlement. Phillip's letter was addressed to Lord Grenville; it was replied to on the 14th July, 1792, by his successor, the Right Hon. Henry Dundas :— 1792

"In answer to the request made by several of the military and civil officers to have grants of land made them, which they may dispose of at their departure, I do not foresee that any inconvenience can arise from your complying with their requisitions, provided the allotments are made not with a view to a temporary but an established settlement thereon; that is, comprehending such portions of land, and in such situations as would be suitable for a *bonâ-fide* settler, should it ever come into the hands of such a person."* sanctioned by Dundas.

This reply to the request for land on the part of the civil and military officers, which did not reach the colony until Phillip had left it, may be taken as an indication that the marine officers would have been included in the Additional Instructions if it had been supposed that any of them desired to remain in the colony as settlers. It will be seen later on how far this power of granting lands to officers was exercised, and to what extent the settlement of the colony was affected thereby.

Two points in which the scheme was defective may be referred to now. While the area of land which a non-commissioned officer could take up was limited, the directions given in Dundas's despatch prescribed in the case of commissioned officers neither maximum nor minimum. Defects of the scheme.

The other point in which the scheme failed to realise the expectations which had been formed was the ease with which settlers were able to dispose of their property. They were required by the conditions embodied in the grants to reside upon and cultivate the land; but there was nothing to prevent them from selling their allotments after they had gone into possession. Phillip brought the question under Conditions evaded.

* Historical Records, vol. i, part 2, p. 632.

1792 the notice of the British Government in his despatch of the 4th October, 1792 :—

"Experience has also pointed out many inconveniences attending the receiving men as settlers who only look to the convenience of the present moment. With some the sole object in becoming settlers is that of being their own masters, and with others the object is to raise as much money as will pay their passage to England, and then assign their lands to those who take them with the same view."

Phillip went on to say that there were many settlers of this class at Norfolk Island. According to a report from Lieutenant-Governor King, forwarded by Phillip to Dundas, many of the settlers at Norfolk Island actually applied to the master of the Pitt to take them off the island, whereupon they were called together and informed that if any of them endeavoured to leave before or soon after the expiration of the twelve months for which they were to be victualled from the public stores they would be detained until the quantity of provisions issued to them had been made good. This was a rough-and-ready way of dealing with the situation, but it was effective ; and as no grants had yet been issued, Phillip was able to prevent what he described as an "imposition" by ordering the removal of some of the convicts from the land, and giving to others leases for five or ten years, instead of free grants.*

The situation at Norfolk Island.

Phillip's remedy.

Grose noticed a similar disposition on the part of the settlers at Sydney and Parramatta, but in their cases, unfortunately, grants had been issued. In his first despatch to the Home Department, 9th January, 1793, the Lieutenant-Governor reported that he was "much plagued with the people who become settlers, who have evidently no other view than the purpose of raising a sufficient supply to pay their passages to England." He also complained that the settlers persisted in selling their live stock. Some sheep which Governor Phillip on his departure had divided among

Live stock

* Historical Records, vol. i, part 2, p. 654.

1793

them "were almost as soon as given offered for sale," and Grose was "absolutely obliged to encourage and promote the purchase of them by the officers, dreading that, without this precaution, the dissipation of a week would exterminate effectually a stock that had been the work of years to collect." It became known to the authorities that the military settlers sold their land as well as their live stock to the officers, while many of the convict settlers bartered away their possessions for rum.*

purchased by officers.

It is worthy of note that Grose, who assumed the government of the colony on Phillip's departure in December, 1792, began to issue grants to the officers of the New South Wales Corps before the arrival of Dundas's despatch, which did not reach him until the 16th January, 1793. He justified his action on the ground that he could not conceive the existence of any intention on the part of the Home Government to deal less liberally with the commissioned officers of the Corps than with the non-commissioned officers and men.†

Grose and the land question.

Grants to officers.

In Phillip's Additional Instructions, the assignment system, which exerted so powerful an influence on the

The assignment system.

* Measures to prevent the abuse of their privileges by the convict settlers were taken. Writing from Whitehall, on the 30th June, 1793, Dundas directed that the following clause should be inserted in all grants made to convicts either on emancipation or on the expiration of the terms for which they had been transported:—"And it is hereby provided that the said ——— shall reside upon and cultivate the lands hereby granted for and during the term of five years from the date hereof, provided the said ——— shall so long live; and any sale or conveyance of the said lands before the expiration of the said term of five years shall be void, and the said lands shall in such case revert to his Majesty, his heirs and successors, except it shall be certified under the hand and seal of the Governor, or in his absence the Lieutenant-Governor, of his Majesty's Colony of New South Wales for the time being, that the same was made with his consent." It was also directed that leases made to settlers of the convict class should not be assignable except with the consent, in writing, of the Governor or Lieutenant-Governor.—Historical Records, vol. i, part 2, p. 50.

† Referring to the issue of a grant for twenty-five acres to Lieutenant Cummings on the 13th December, 1792, Collins says (vol. i, p. 256):—"In the instructions for granting lands in this country, no mention of officers had yet been made; it was, however, fairly presumed that the officers could not be intended to be precluded from the participation of any advantages which the Crown might have to bestow in the settlements, particularly as the greatest in its gift, the free possession of land, was held out to people who had forfeited their lives before they came into the country."

1790 social condition of the colony, was for the first time officially recognised. With certain limitations prescribed by the Governor, it had been in operation from the beginning. The only labour available in the early days of the colony was that of the convicts; and when Phillip, without waiting for instructions, gave to the civil and military officers their small plots of land, he also took the responsibility of placing convict labour at their disposal. But this was a measure of expediency only. Phillip did not think it desirable that the practice should endure; his view was that the services of the convicts should not be monopolised by the officers, who in his day made but a poor use of their opportunities, but that they should be distributed among the free settlers he so ardently desired to see established on the land. Writing to Lord Sydney on the 12th February, 1790, he remarked that it had been necessary to give convicts to the officers, but that the practice was "attended with many inconveniences," and would not be continued after the marine detachment was relieved, unless directions to the contrary were received. In another despatch, written a day later, he gave his views as to the conditions on which convicts should be assigned to settlers :—

Convict labour.

Phillip's objections.

"As the labour of clearing the ground of timber will be great, I think each settler should not have less than twenty men on his farm, which I suppose to be from five hundred to one thousand acres; it will be necessary to give that number of convicts to those settlers who come out, and to support them for two years from the public stores; in that time, if they are any ways industrious—and I do not think they will be able to do it in less time—at the expiration of the two years they may return half the convicts they have been allowed, and would want no further assistance from Government.

Another method.

"It may be necessary to grant lands to officers and soldiers who, becoming settlers, will of course be entitled to every indulgence; but few of the officers now here have reaped any great advantage from being allowed convicts; and it is attended with unavoidable inconveniences, from the convicts being left so much to themselves, and from their mixing with the soldiers."

1790

Phillip's opinion was that instead of assisting military settlers with convict labour, the better plan would be to allow them a certain quantity of grain for the support of their live stock until they had a market to go to. He went on to speak of the regulations that would have to be made if these suggestions were adopted; but he was in ignorance of the fact that while he was writing his despatch the Additional Instructions, signed by the King, were on their way to Sydney on board the Lady Juliana. But for the extraordinarily long passage made by that vessel, he would have received them before he had put pen to paper. Although the officers were not mentioned in the Additional Instructions which authorised the Governor to assign to each grantee—non-commissioned officer or private—the service of as many convicts as could be employed to advantage, they obtained very soon afterwards as much land as they required, and as many convict servants as they could conveniently employ.*

Phillip's proposal.

Officers as grantees.

The condition that assigned convicts were to be maintained, fed, and clothed by those for whom they worked was found to be impracticable. When the Additional Instructions reached the colony the people were in a state of semi-starvation, and the convicts, from the privations they had undergone, were unfit for the severe labour of clearing and breaking up the land. After the arrival of the Second Fleet they were in a better condition for work; but no settler could have taken up land with any prospect of success unless his labourers, as well as himself, were supported for a time from the public store. Phillip pointed this out at once, expressing the opinion that it would be two years before the land would support the cultivators. He took the responsibility of relaxing the condition, and it became the rule to give to settlers the service of convicts who were victualled for a certain period at the public cost.

Convict labourers.

* Post, pp. 252, 289.

1790

The Additional Instructions.

The Additional Instructions were accompanied by a table of fees, but it was expressly directed that the non-commissioned officers of the marines and convict settlers were not to be subjected to the payment of such charges. The fees were moderate in amount, and the schedule would excite no attention but for the revelation it makes of the existence in the minds of British Ministers of much larger views with regard to the occupation of the land than are disclosed by the Instructions.

Size of grants.

The largest grant that Phillip was authorised to make was one hundred and fifty acres, with the addition, in the case of non-commissioned officers who were married, of ten acres for each child. The grants to non-military settlers were not to go beyond this limit. But the list of fees authorised by the table, which was to be "hung up in one of the most public places," provides not only for small grants

Fees.

of land, but grants of great extent. The Governor's fees, which come first, are as follows:—"For the Great Seal to every grant not exceeding 1,000 acres, 5s.; for all grants exceeding 1,000 acres—for every 1,000 acres each grant contains, 2s. 6d.; for a license of occupation, 5s." Under the heading "Secretary's Fees" a charge of 5s. is made for grants under 100 acres; a charge of 10s. for grants between 100 and 500 acres; and "for every grant from 1,000 to 20,000—for the first 1,000 acres, 15s., and for every 1,000 acres more, 2s. 6d." Another item under the head "Secretary's Fees" is as follows:—"For grants of land where the number of proprietors shall exceed twenty, each right, 2s. 6d." Licenses of occupation, with no limit as to the area of land to be occupied, are also provided for. While, therefore, the Additional Instructions restricted the area of land to be granted to any one person to a comparatively small area,

Free settlers.

provision was made in the schedule of fees for grants up to 20,000 acres, either to settlers, associated proprietors, or companies. It is evident that at the time the schedule was prepared the British Government had in view the occupa-

tion of land in New South Wales at a date not far distant by a class of men quite different from those provided for in the Additional Instructions.* 1791

Other proposals for taking up land on a large scale were under notice in the years 1791 and 1792, and it is not improbable that they had been submitted informally as early as the year 1789. Sometime in 1791 a Quaker named John Sutton was in correspondence with the Home Department concerning the terms on which Quaker families would be accepted as emigrants.† Sutton made certain proposals, which were agreed to in a modified form, and it was arranged that fifteen families should go out. The principal conditions were that the emigrants should have free grants of land, that they should have implements and tools out of the public store, provisions for two years, and the service of convicts free of charge, who were to receive two years' rations and one year's clothing from the store.‡ Nothing appears in the memorandum of conditions to show what area of land was to be granted; but in the proposals made by Sutton it was stipulated that each settler should have not less than five hundred acres; and it was further proposed that the "said

Sutton's proposals.

Encouragement to emigrants.

* It does not appear that any definite steps in this direction were taken so early as 1789; but the Records show that proposals were under the consideration of the Government not long afterwards. In vol. i, part 2, of the Historical Records, p. 424, will be found a proposal to send out families to settle in New South Wales. It is printed from a manuscript in the handwriting of Sir Joseph Banks, and it ends with the words, "My proposal read to Mr. Nepean." It is not certain that the proposal was made by Sir Joseph Banks himself. He was in the habit, as the papers purchased by the New South Wales Government from Lord Brabourne show, of making copies of documents bearing upon the affairs of the colony, and the words "my proposal read to Mr. Nepean" may have formed part of an original document written by somebody else. It would seem, however, that this proposal, which contemplated the grant of an "estate" to the person who made it, to be occupied by families to be sent from England, was actually laid by Sir Joseph Banks before the Under Secretary of the Home Department. The MS. bears no date, but it is believed to have been written sometime in the year 1790. Possibly it was written at an earlier date, or communicated, verbally, to the Secretary of State, or the Under Secretary, previous to the framing of the schedule of fees attached to the Additional Instructions.

† The correspondence is published in the Historical Records, vol. i, part 2, pp. 580–585.

‡ Ib., p. 584.

1791 settlers" should receive a grant of "such further tracts of land as they may respectively discover, survey, and lay out, free of expence and quit-rent, the same not exceeding twenty thousand acres in one tract." There is a coincidence here that will not escape notice. Sutton asked for a grant under certain conditions of "twenty thousand acres in one tract"—the schedule of fees attached to the Additional Instructions provided for the issue of grants of land up to twenty thousand acres. Sutton's proposal was not placed in writing before the Government until the latter part of 1791; but a comparison of figures leads to the inference that this plan of emigration, or something like it, had been under consideration at an earlier date than that borne by the Additional Instructions.

Maximum grants.

Quaker settlers.

Sutton and his Quaker families did not go to New South Wales. The British Government was anxious that the arrangement should be carried out, and some of the intending emigrants left the provinces and went to London with the view of embarking.

Dundas wrote to Phillip on the 10th January, 1792, informing him that a vessel had been taken up for the purpose of conveying stores to the colony, and that "every encouragement" would be given "to induce certain settlers (who are Quakers, to the amount of fifteen families, and who have made proposals to the Government) to embark by the same conveyance." Six months later he wrote another letter, explaining that difficulties had arisen, causing delay, and that the transport Bellona was about to be despatched with eleven settlers. He expressed regret that these "are as yet all that have offered themselves." Nothing was said in this despatch about the Quaker families. The delay that took place seems to have been fatal to the plan. While the intending emigrants were waiting in London unfavourable reports concerning the colony reached their ears; becoming dissatisfied, and perhaps alarmed, they abandoned the enterprise, and returned to the places from whence they

The plan abandoned.

came. According to Collins, they had actually "engaged to take their passage" in the Bellona, "but it was said they had been diverted from their purpose by some misrepresentations which had been made to them respecting this country." * 1792

In January, 1792, Mr. G. Matcham, writing from Lower Grosvenor-place, offered to send out one or more families as settlers, and his younger son, with a capital of £3,000 or £4,000, provided that he could obtain "such an extent of country as to make it an object of attention" to him. He suggested that the area should be "ten or twenty thousand acres—two or three hundred acres between Rose Hill and Sydney Cove, or on the opposite shore between Rose Hill and the mouth of the harbour (where, I understand, there are no settlers), and the remainder in a direct line towards Broken Bay."† It is clear that this gentleman contemplated a free grant of land, for he commenced this letter with the remark that he had been induced to write it by "the proposals made to free settlers in New South Wales." In a letter written some months afterwards he intimated that "twelve thousand acres are the least that can make it an object to me," and he offered to pay a quit-rent, or to purchase the land. A few months later, Mr. W. Richards, junr., who had made several contracts with the Government for the conveyance of convicts to New South Wales, submitted proposals for supplying the settlement with stores. While the matter was before the Treasury, he wrote to Sir Joseph Banks, intimating that if his terms were agreed to, and he was allowed to open a store at Port Jackson, and also to take up land, he would become a settler.‡ He pressed the subject on the attention of Banks, but nothing seems to have come of either Richards's proposals or those submitted by Matcham.

Capitalists as settlers.

Proposal to contract for stores.

* Collins, vol. i, p. 262.

† Historical Records, vol. i, part 2, p. 591.

‡ Ib., pp. 626–627.

1790

It was further provided in the Additional Instructions that the land should be so parcelled out that each grantee would have a fair proportion of good and inferior land, and of whatever water-frontage might be available. The breadth of the allotments was to be one-third of the length, and the length was not to "extend along the banks of any river, but into the mainland, that thereby the said grantees may have each a convenient share of what accommodation the said harbour or river may afford for navigation or otherwise." It was also directed that, between the allotments of one hundred acres or fifty acres, spaces "ten acres in breadth and thirty acres in length"* should be reserved for the Crown, but open to be leased at the discretion of the Governor for any term not exceeding fourteen years. The Governor was further required to lay out "townships" and "towns" in such situations as he judged proper, and to provide for the settlement of families in towns, "with town and pasture lots convenient to each tenement." The towns were to be laid out upon or near some navigable river or the sea-coast, and land was to be reserved in the township for military and naval purposes, "and more particularly for the building a town-hall and such other public edifices" as might be deemed necessary.

The fat and the lean.

Crown reserves.

Town sites.

Church and school lands.

Phillip was also directed "that a particular spot, in or as near each town as possible, be set apart for the building of a church, and four hundred acres adjacent thereto allotted for the maintenance of a minister, and two hundred for a schoolmaster."

The Governor, it may be supposed, was somewhat puzzled by the direction to lay out the settlement like a chess-board, putting the settlers on one set of squares, and reserving the others for the Crown. If the matter had been left in

Isolated grants.

* By this was probably meant an area having a frontage of ten squares, each containing one acre, and a depth of thirty squares, each containing one acre—*i.e.*, three hundred acres. The expression was not repeated in Hunter's Instructions; he was merely directed to reserve not less than five hundred acres between all grants of one thousand acres.

his hands he would probably have taken the land just as it came, and allotted it in the way most conducive to its profitable occupation. It is possible that the idea of the Government was that the blocks of land reserved for the Crown would be made valuable by settlement around them, and might therefore be disposed of afterwards to advantage. The plan was good in theory only; in practice it broke down completely. Phillip, who did his best to carry out the instructions he received, no matter how they conflicted with his own views, obeyed orders, and placed the first settlers on isolated patches of land. But he soon found that this arrangement was not only disadvantageous, but dangerous. The settlers, he explained in a letter to Grenville, were, by this disposition of the land, separated from each other by forests, and exposed to the attacks of hostile natives, and as each allotment was occupied by one man, "or at most a man and a woman," the settlers were liable to be cut off in detail. There were other disadvantages belonging to the system. The settlers, Phillip pointed out, could not so readily assist each other in moving heavy timber; the labour of fencing the ground was greatly increased; and every man was obliged to watch his own farm, which, from being surrounded with a wood, was peculiarly liable to depredation. Accordingly, Phillip gave to the settlers the land which had been reserved for the Crown; they were thus placed in a position in which they could unite for the purposes of industry or defence. He explained to the Home Department that the force of circumstances had obliged him to deviate from the Instructions, and his action in this respect was not called in question.

1790

Exposure to attacks from natives.

Other disadvantages.

The plan broke down in Norfolk Island also, but for a different reason. There were no natives there, but the small area of available land rendered obedience to the Instructions incompatible with the settlement of the island. On the 8th May, 1792, six months after he took charge as Lieutenant-Governor, King wrote to Dundas to explain that,

1790 like Phillip, he had been obliged to depart from his instructions.* He did not do away with the reserves altogether, but in order to make room for the settlers, for whom he had been instructed to make provision, he was obliged to greatly reduce the area of the intermediate spaces.

Instructions impracticable at Norfolk Island.

"Townships" and "towns."

The command given to the Governor to lay out "townships" and "towns" in proximity to the coast was made apparently in ignorance of the conditions prevailing at the settlement, although Phillip's despatches had disclosed plainly enough the nature of the adjacent country. The word "township" was used in the Instructions in a different sense from that which custom has given it in these Colonies. Centres of population are cities or towns; places of lesser importance, which elsewhere would be called villages or hamlets, are townships; in other words, a township is a small town. But the "townships" contemplated by the Additional Instructions were something different; they signified areas or districts which were to be devoted to agricultural purposes, of which the town, with its public buildings, was to be the head-quarters or centre. It was intended, apparently, that these townships or agricultural areas should be laid out in contiguous blocks, each having its town; and in that manner settlement was to spread over the country. Little attention had been given to Phillip's despatches, or this mistaken notion would not have been embodied in a set of Instructions with which the Governor was enjoined to give exact compliance. The fact was, as the accounts which had reached the Government from its representative showed,

Use of the terms.

Agricultural areas.

* "When I arrived here I found eight seamen and two marines belonging to the Sirius were already settled, and agreeable to Governor Phillip's instructions to Major Ross (the then Commandant of the Island) there was left a space of fifty rods in front for the use of the Crown between each settler. On the Deputy-Surveyor's representing to me that if the same measurement was observed in settling the other marines who came with me and who followed in the Queen there would not be sufficient ground for half of them, ... I undertook to give directions that the intermediate spaces should be only twenty rods, by which means they are all well settled along the runs of water. I beg, sir, to observe that nothing but the very great inconvenience which I foresaw would occur could have induced me to have taken this step."

only a few patches of arable land had been discovered anywhere near the coast; the greater part of the country known in Phillip's time was rough and unfit for agriculture. But in framing the conditions of land settlement no thought appears to have been given to the circumstances of the colony, of which the British Government, according to Grenville himself, was practically ignorant. 1791

Ministers ignorant of natural characteristics.

PROGRESS OF THE SETTLEMENT AFTER THE ARRIVAL OF THE SECOND FLEET.

1790

Care of sick convicts.

For some time after the arrival of the Second Fleet the strength of the community was employed in attending to the sick convicts and providing for their better accommodation. In the letter in which he reported the arrival of the ships, Phillip, while promising Lord Grenville that preparations should be made for the reception of a fresh batch of one thousand convicts, explained that "the building of stores and barracks will find full employment for the few artificers in this settlement for some months, and the number of sick will employ all our carpenters for some time in procuring them shelter."* But the cultivation of the soil was not neglected; and in the month of July, 1790, all the convicts who were fit to leave the hospitals were sent to Rose Hill.† This was the best thing to do with men enfeebled by suffering and privation; but although they were employed under the most favourable conditions, so far as health was concerned, their services were of little value. How little the convicts sent out in the Second Fleet contributed to the development of the country at that time is shown by the Governor's despatches to the Home Department. "I have increased," wrote Phillip, "the number of those employed in clearing the land for cultivation, as far as it will be possible to do it before next January, except by convalescents, from

Convict employment

Clearing the land.

* Historical Records, vol. i, part 2, p. 355.

† "Such of the convicts from the ships as were in a tolerable state of health, both male and female, were sent up to Rose Hill, to be employed in agriculture and other labours."—Collins, vol. i, p. 125.

whom little labour can be expected."* The returns, enclosed with Phillip's letter of 17th July, 1790, show that the number of men employed in clearing and cultivating the land at Rose Hill was only 113, not one of whom was capable of doing a good day's work. Although there were many fresh mouths to fill, the producing power of the community had not been materially increased. Five or six months would have to elapse before the labourers in the field could be reinforced with effect, and by the expiration of that period harvest-time would have arrived. In other words, the season would be lost. 1790

According to the return alluded to above, there were at work at Sydney 316 male convicts, some of whom were convalescents, while the number incapacitated by sickness was 413. At Rose Hill 154 were employed, and 25 were sick. Number of convicts at Sydney and Rose Hill.

In the face of these difficulties, Phillip acted with promptitude and sagacity. On the site where Parramatta now stands he immediately laid out a town on regular lines, the principal street of which was to contain huts for the accommodation of the convicts of the Second Fleet. This street, which is identical with the present George-street, Parramatta, ran from the public landing-place up to the foot of the "Crescent" or rising ground on which still stands the old Government House. The huts were built of wattle and plaster, with thatched roofs. As a precaution against fire, the street was formed with a width of 200 feet; and the huts were separated from each other, according to Phillip, by spaces of 100 feet.† Each hut was to contain ten convicts; and sufficient ground was allowed, in each case, for a vegetable-garden. Captain Tench visited the "town" in November, 1790, and reported upon the progress which had been made. Thirty-two of the huts were completed. They were each 24 feet by 12, and were divided into two rooms, "in one of which is a fireplace and brick chimney." Some of the huts contained Foundation of Parramatta. Architecture at Parramatta.

* Historical Records, vol. i, part 2, p. 359.

† According to Collins, the space between each hut was only 60 feet.

1791 as many as twelve or fourteen convicts. Considerable progress had also been made with a number of public buildings; amongst others, "a house of lathe and plaister 44 feet long by 16 wide for the Governor on a ground-floor only, with excellent outhouses and appurtenances attached to it." In December, 1791, Tench again visited Rose Hill. The "great road" of convict huts was then finished. It was "a very noble one, of great breadth and a mile long in a strait line," calculated to "make Pall Mall and Portland Place hide their diminished heads."* In the eyes of Tench and many of his contemporaries, Parramatta was the future metropolis of the settlement.

Destiny of Parramatta.

At first no distinction was made between the "town" and the surrounding district. They were both known as Rose Hill; but on the 4th June, 1791, Phillip took advantage of the ceremonials in connection with the anniversary of the birthday of George III, to publicly announce that from that date it would be known by the native name of the spot on which it stood, viz., Parramatta.† Between the Parramatta

* Tench, Complete Account, pp. 75, 78, 140.

† "The Governor called it Par-ra-mat-ta, being the name by which the natives distinguished the part of the country on which the town stood."—Collins, vol. i, p. 165. At this distance of time it is very difficult to say with certainty the origin and meaning of the native name Parramatta. Bennett, Australian Discovery and Colonisation, p. 125, states that it means the "place of eels." The Hon. Richard Hill, M.L.C., who for many years has been recognised as an authority on the habits and language of the natives, states that he remembers having heard many years ago from the old blackfellows that this was the meaning of the word. When the distribution of blankets was made to the blacks at Windsor on 24th May, 1894, the Hon. W. Walker, M.L.C., who for many years has resided in that district, kindly made inquiries, at the request of the Editor, amongst the oldest of the natives, whose dialect corresponds with that of the Port Jackson and Parramatta natives. One very old but intelligent native informed him that the word "Para" meant eels; and that the name arose from the fact of a great number of eels having been once killed in the river there. On the other hand, we have the statement of Mrs. Macarthur, writing from Parramatta in the year 1795, that the name signified "the head of a river."—Historical Records, vol. ii, p. 509. Many old residents allege that the word signifies the "meeting of the waters," and point to the fact that where the town now stands the river originally ran over a ledge of rock; the water above being quite fresh, and that below brackish. The weight of evidence and the well-known practice of the natives of distinguishing localities by the class of food to be obtained there, appear to point to the first-mentioned translation as the true one. Instances of the practice

of his time and the Parramatta of to-day there is no resemblance. The widely-separated huts have disappeared, and in their places are houses closely packed together; the desolate-looking street two hundred feet in width has become a business thoroughfare sixty-six feet wide.* 1791 Parramatta past and present.

Phillip saw that "some little inconveniences" might be felt from the convicts being "so much dispersed," but he pointed out that to give these people their own gardens was "a spur to industry, which they would not have if employed in a publick garden, tho' intirely for their own benefit." In this sentence Phillip describes in a few words one of the peculiar disadvantages under which the settlement laboured. It depended mainly upon the labour of the convicts, by whom work was regarded as a part of the punishment to which they had been sentenced, and they shirked it whenever they could. To agricultural labour they seem to have had a particular aversion. Phillip tried to make them understand that when they plied the hoe and the spade they were working for their own benefit, but he failed signally. He was right, nevertheless. The com- Lazy convicts.

alluded to might be cited in great numbers. The spot on which Newcastle now stands was called by the natives "Mulubinba," from an indigenous fern named "Mulubin," which was found there. The island at the entrance of Lake Macquarie they called "Niritiba"; it being a favourite resort of the "Niriti" or "mutton-bird."—Fraser's Edition of Threlkeld's Australian Language, pp. 51, 52.

* Collins, in his Account of New South Wales (vol. i, pp. 125, 126), gives a fuller description of the plan than that contained in Phillip's despatch :— "There also [Rose Hill] the Governor, in the course of the month, laid down the lines of a regular town. The principal street was marked out to extend one mile, commencing near the landing-place, and running in a direction west, to the foot of the rising ground named Rose Hill, and in which his Excellency purposed to erect a small house for his own residence whenever he should visit that settlement. On each side of this street, whose width was to be two hundred and five feet, huts were to be erected capable of containing ten persons each, and at the distance of sixty feet one from the other; and garden-ground for each hut was allotted in the rear. As the huts were to be built of such combustible materials as wattles and plaster, and to be covered with thatch, the width of the street, and the distance they were placed from each other, operated as an useful precaution against fire; and by beginning on so wide a scale the inhabitants of the town at some future day would possess their own accommodations and comforts more readily, each upon his own allotment, than if crowded into a small space."

1790 munity, from the Governor downwards, suffered from the want of fresh food; and as all shared alike, the labourers in the field were in reality working for their own advantage. But the convicts could not, or would not, see this. It was enough for them that the work was compulsory; they detested it, and avoided it as much as possible. In giving them their own gardens, Phillip touched the only vulnerable spot; he appealed to the selfishness of human nature, and he did not appeal in vain.

Self-interest the only spur to labour.

The land which the convicts cultivated for their own profit was not, of course, granted to them. It was simply held during the pleasure of the Governor, and might pass out of the hands of the occupiers without a moment's notice.

Convicts hold land on sufferance.

Phillip, in founding the town of Parramatta, did not contemplate the establishment there of a permanent convict settlement. He was obliged to put the convicts on the soil to begin with, but he proposed that they should be removed in a few years to new country, at a distance from Sydney, and that the town of Parramatta should be placed at the disposal of free settlers, who, he supposed, would be glad to build on the ground.* It was impossible to "detach a body of convicts to any distance," because there was no one to whom the charge of a distant settlement could be given.† If it had been determined, for example, to establish a settlement on the Hawkesbury, as was done a few years afterwards, nothing would have been easier than to have sent with the convicts a detachment of troops under an officer as a guard; but something more than this was required. It would have been useless to send to a distance a number of men who only worked under compulsion, and knew nothing of agriculture, without some one to direct their labours, and Phillip, as already mentioned, had no such man at his command. A still more serious obstacle, and one which Phillip had more difficulty in surmounting, stood in the way

Out-settlements delayed for want of superintendents.

* Phillip to Grenville, Historical Records, vol. i, part 2, p. 363.
† Ib., p. 360.

of his efforts to advantageously employ the convicts who arrived in June, 1790. This was the drought which lasted from July of that year until August, 1791. 1790-91

Phillip reported in March, 1791, that :—"From June until the present time so little rain has fallen that most of the runs of water in the different parts of this harbour have been dried up for several months, and the run which supplies this settlement* is greatly reduced, but still sufficient for all culinary purposes."† This condition of things seems to have suprised Phillip, who offered the opinion, with some confidence, that such a dry season did not often occur. He was speaking, of course, of the coast districts, for his knowledge of the country went no further ; and it is worthy of note that in this, as in other matters, he formed a sound opinion from very slender evidence. Severe and prolonged droughts are common in the interior parts of New South Wales and the other Australian colonies, but they are infrequent on the coast. A prolonged drought. Phillip's perception.

The crops sown in 1790, Phillip reported, had suffered greatly from the dry weather.‡ He remarked, however, that they had turned out better than was expected ; but did not state how many acres were in cultivation, nor what the yield was, although he had given particulars of the previous harvest. Collins, who reported the former season's yield, is also silent with regard to this harvest. In fact, it is evident that the yield was too small to be worth mentioning. Mrs. Macarthur, writing to England in March, 1791, made the following allusion to this subject :—"We have not The harvest of 1790. A meagre return.

* The Tank Stream.

† Historical Records, vol. i, p. 2, p. 470. In a later despatch, Phillip says that very little rain fell from the beginning of July, 1790, to August, 1791.—Ib., p. 533.

‡ In his account for September, 1790, Collins writes (vol. i, p. 137) :—"Very small hopes were entertained of the wheat this season ; extreme dry weather was daily burning it up. Toward the latter end of the month some rain fell, the first which deserved the name of a heavy rain since last June." In October things were no better :—"The little rain which fell about the close of the preceding month soon ceased, and the gardens and the corn-grounds were again parching for want of moisture."

1791 attempted anything in the farming way. Our neighbours succeed so badly that we are not encouraged to follow their example. The Government farm did not this year, in grain, return three times the seed that had been sown."* In the same month, Phillip, anxious to represent affairs in the most favourable light, reported that the progress made in agriculture since "last June" had been considerable, and that at Rose Hill two hundred and thirteen acres would be sown "this year," that is to say, in 1791.

Agricultural progress.

Tench's account.

Tench gives a more complete account of the state of agriculture at the close of the year 1790 than either Phillip or Collins. In November of that year he inspected the settlement at Rose Hill. He found two hundred acres cleared and cultivated; "of these, fifty are in wheat, barley, and a little oats, thirty in maize, and the remainder is either just cleared of wood, or is occupied by buildings, gardens, &c." Four enclosures of twenty acres each had been marked out for cattle, two of which were fenced in. The Rev. Richard Johnson is referred to as "the best farmer in the country." The fifty acres of wheat and barley were expected to yield four hundred bushels. Tench mentions incidentally that all the land was turned by the convicts with the hoe; the daily task of each convict being sixteen rods—one-tenth of an acre.†

Convicts as farm labourers.

The area proposed to be sown in 1791 (213 acres) was not large, but Phillip looked hopefully to the future. The essential point was the maintenance of the supply of food from England. Phillip was convinced that the people would soon be able to support themselves if the land was brought under cultivation, but unless the labourers were well fed they could not work. The country in its natural state afforded no subsistence; everything depended on a regular supply of food from England. After reporting what had been done, Phillip said, "And I hope we shall be enabled

Phillip's optimism.

* Historical Records, vol. ii, p. 506.
† Tench, Complete Account, pp. 75, 76.

by the arrival of the necessary supply of provisions to continue our labours." These supplies did not arrive with the regularity that was desired. Writing on the 24th July, 1790, Phillip informed Nepean that no butter, oil, or pease had been received, neither were there any spirits in stock. These articles had not been supplied when Phillip, writing to Grenville eight months later, expressed the hope that the speedy arrival of the ships from England would make a reduction of the ration unnecessary; and, on the 1st April, 1791, he was obliged to reduce the allowance of food by one-quarter.* To make matters worse, the quality of the provisions was inferior. The flour, which had been bought in Batavia at a high price, was, according to Phillip, "full one-eighth bran, and the rice was bad." Collins gives a still more unfavourable description of the food upon which the people had to subsist. According to his account the flour was "the best article" dispensed from the stores. "The rice was found to be full of weevils; the pork was ill-flavoured, rusty, and smoked; and the beef was lean, and, by being cured with spices, truly unpalatable. Much of both these articles when they came to be dressed could not be used."† In his letter to Wilberforce,‡ Captain Hill complained bitterly of the "scanty pittance of salt provisions" on which he had to live, and which was set before him "unaccompanied by either vegetable, vinegar, or other thing to render it palatable or wholesome." He was obliged to buy some wine to "counteract the effects of the diabolical morsel I am daily obliged to eat."

1790-91

Ration reduction.

Bad provisions.

The circumstances were altogether unfavourable for agricultural operations. The effect of the reduction in the rations and of the innutritious food could, wrote Collins, be seen in "the countenances of the labouring convicts." Those of the First Fleet had not recovered from the effects of the

Ill-fed convicts.

* Collins, vol. i, p. 158.

† Ib.

‡ Historical Records, vol. i, part 2, pp. 369, 370.

1791 famine of 1789-90, and those "who arrived in June, had not recovered from the severity of their passage to this country."*

When the conditions under which the cultivation of the soil was commenced at Rose Hill are considered, surprise must be felt, not that so little progress was made in the first year, but that anything was done at all.

Commendable progress.

The progress made in building during the year following the arrival of the Second Fleet was much greater than might have been expected. Phillip reported to Grenville on the 4th March, 1791:—

"Three stores, sufficient to contain two years' provisions for the settlement, are built here† [Sydney] and at Rose Hill; they are of brick and tiled, so that we are no longer under any apprehensions of an accident from fire. A barrack is also finished at Rose Hill for an hundred men, and the officers' barracks will be finished by the end of May, immediately after which barracks for officers and men will be begun at this place [Sydney]."

Public buildings.

This was the first despatch which Phillip had sent to England since July, 1790; it contained, therefore, a report of his proceedings for nearly eight months. The buildings spoken of were commenced after the arrival of the Second Fleet—a storehouse and new barracks at Rose Hill were built, according to Collins, during the months September-December. The storehouse at Rose Hill, one hundred feet long and twenty-four feet wide, was begun and finished in November, which was a rainless month. In December the foundations of a new storehouse at Sydney were laid.

Storehouses at Rose Hill.

* Collins, vol. i, p. 163.

† Phillip was of opinion that the colony could not be in a secure position unless enough provisions to last for two years were always in stock, and he provided store-room accordingly. The buildings in his time, however, were never filled. With regard to the storehouse, Collins writes (vol. i, p. 137):—"The Governor proposing [September, 1790] to erect a capacious storehouse and a range of barracks at Rose Hill, a convict who understood the business of brickmaking was sent up for the purpose of manufacturing a quantity sufficient for those buildings, a vein of clay having been found which it was supposed would burn into good bricks. A very convenient wharf and landing-place were made at that settlement, and twenty-seven huts were in great forwardness at the end of that month."

Although water was badly wanted for the crops, the drought was convenient for building operations. Good clay had been found from which bricks were made, but so great was the hurry that the bricks were used without being burnt—before, in fact, the clay had become dry. Properly-burnt bricks, however, could not have been used, because there was no lime at hand with which to make mortar. Under these circumstances, undried bricks, although not very durable, served the purpose better than anything else. Phillip thus explained his building difficulties to Grenville:— 1790

Primitive bricks.

"The want of limestone still obliges us to confine our buildings to a certain height, for although the clay is of a strong binding nature, we cannot with safety carry the walls of those buildings [the storehouses and the barracks] more than twelve feet above the ground, as the rains are at times very heavy, and should they come on before the clay is thoroughly dry, the walls would be in danger from the great weight of the roof."

Want of lime limits height of walls.

While Phillip was devoting himself to the development of the new settlement at Parramatta,* he had to look sharply after affairs in Sydney; for there were many things upon which it was necessary to keep a watchful eye. One of them was the practices of the masters and sailors of transports, who were only too ready to help the convicts to get away from the settlement.† The sailors belonging to the transports were, according to Collins, guilty of "much irregularity" when they went on shore. Phillip was greatly concerned at the thought of losing capable workmen, the bone and sinew upon which the progress of the settlement depended; and he accordingly took vigorous measures to prevent it.

Absconding convicts.

This practice had begun soon after the arrival of the First Fleet. The Charlotte, which sailed in May, 1788,

* Collins (vol. i, pp. 132, 133) makes special allusion to the energy displayed by Phillip in directing "in person" every undertaking of importance, whether at Sydney or Parramatta.

† "The masters of ships would give passages to such people as could afford to pay them from ten to twenty pounds for the same."—Ib., p. 232.

1790 carried away a seaman belonging to the Supply, and a
Stowaways. young man who was an apprentice to the boatswain of the Sirius. Writing to Nepean on the 22nd August, 1790, Phillip reported that several convicts had escaped in this way. The evil, he declared, could not be checked unless the masters of the ships were prosecuted with severity. The very next day, several convicts being missing, a search was made on board the Neptune, and one of them was discovered in the hold. It was asserted by the quarter-master of the vessel that "preparation had been made when the people stowed the hold for concealing convicts." Phillip believed that other convicts were concealed on the Neptune. He warned her master that he would be prosecuted if he
Phillip powerless. assisted convicts to escape; but beyond this he could do nothing.*

Phillip returned to the subject in a letter to Nepean, 14th December, 1791. He sent the names of a number of convicts who were believed to have been concealed on board the
His remedial proposals. transports and carried from the settlement, and suggested that in future the masters of such vessels should be required to keep a record of all persons who were received on board from the time they came on the coast to their return to England, a heavy penalty to be paid for neglect to register the name of any convict shipped. The suggestion was adopted
Sanctioned by the Home Government by the British Government, and Phillip was informed by Dundas in a despatch, written on the 10th January, 1792, that masters of vessels who offended in the manner complained of would be made liable to forfeit their charter-parties.

* According to Collins (vol. i, p. 131), a small party of soldiers was sent on board the Neptune, under the command of Lieutenant Long, of the marines, who had been appointed by the Governor, after the arrival of the first detachment of the New South Wales Corps, to do the duty of town adjutant. The result of the search was the discovery of one man and one woman. "The man was one who had just arrived in the colony, and being soon tired of his situation, had prevailed on some of the people to secrete him among the firewood which they had taken on board. In the night another person swam off to the ship, and was received by the guard. He pleaded being a free man, but as he had taken a very improper mode of quitting the colony, he was, by order of the Governor, punished the day following, together with the convict who had been found concealed among the firewood."

This rigorous measure, although it did not prevent the escape of convicts by the transports, at all events kept down the practice; but there was another kind of absconding which could not be guarded against in the same manner. The longing for freedom and the distaste for work were so strong in some of the convicts that they braved the greatest dangers and encountered the most terrible hardships in order to escape from the settlement. A remarkable instance occurred in September, 1790.* Phillip does not appear to have made any report on the subject to the English authorities, but Collins gives a full account of the affair :— 1790

Attempts to escape.

"In the night of the 26th [September, 1790] a desertion of an extraordinary nature took place. Five male convicts conveyed themselves, in a small boat called a punt, from Rose Hill undiscovered [to Sydney]. They there exchanged the punt, which would have been unfit for their purpose, for a boat, though very small and weak, with a mast and sail, with which they got out of the harbour. On sending to Rose Hill, people were found who could give an account of their intentions and proceedings, and who knew that they purposed steering for Otaheite. They had each taken provisions for one week; their cloaths and bedding; three iron pots, and some other utensils of that nature. They all came out in the last fleet, and took this method of speedily accomplishing their sentences of transportation, which were for the term of their natural lives. Their names were John Tarwood, a daring, desperate character, and the principal in the scheme; Joseph Sutton, who was found secreted on board the Neptune, and punished; George Lee, George Connoway, and John Watson. A boat with an officer was sent to search for them in the north-west branch of this harbour, but returned, after several hours' search, without discovering the least trace of them. They no doubt pushed directly out upon that ocean which, from the wretched state of the boat wherein they trusted themselves, must have proved their grave."†

A mad project.

Its probable ending.

A more desperate adventure it would be difficult to imagine. As discovery of the fugitives by any of the search parties that were sure to be sent out would mean return to

* Another instance is noticed in Vol. i, pp. 172-174.
† Collins, vol. i, p. 136.

1790 captivity, and punishment with the lash, the intention of Tarwood and his companions was evidently to make their way, if possible, to some distant country. But they were not properly equipped for an expedition of that sort. They embarked in a small and crazy boat, poorly provisioned and ill-furnished, and they had no firearms with which to procure animal food or protect themselves from the savages they might expect to encounter on the coast, where they would be obliged to land as they travelled northwards. It seemed likely enough, as Collins concluded, that in making their escape from the colony they were going straight to their death. But they did not thus perish. Nearly five years after their departure, when the incident had been almost forgotten, four of the number, who had been captured under remarkable circumstances, were brought back to Sydney. The fifth was dead.

Badly equipped.

The survivors.

In August, 1795, the Providence, 28 guns, under the command of Captain Broughton, was off Port Jackson, but was driven northwards by adverse winds as far as Port Stephens, where four of the runaways were discovered. This was the first port they had reached, and they landed there. They did not attempt to continue their voyage, probably from the want of provisions. Finding the natives friendly, they lived among them, dragging out a miserable existence until their recapture, which they did not try to avoid. It is worthy of remark that some years before the arrival of the Providence, Mr. Surveyor Grimes, while on a voyage of discovery in the schooner Francis, visited Port Stephens, where he remained for some days, but saw nothing of the fugitives, who at the time were at a distance from the coast; they heard, however, of the arrival of the schooner soon afterwards from the natives, with whom some of the crew appear to have had an encounter. According to Collins, the absconders took wives from the natives, and one or two had children.*

Refuge with the natives.

Inter-marriage with natives.

* Collins (vol. i, p. 425) gives the following account of the discovery:—"The Providence met with very bad weather on her passage from the Brazil

This incident shows how little was known, at the time, of the country, even of the coast near Sydney. It also brought under the notice of the new occupiers of the land a fact of which they do not seem to have been previously aware—that the natives did not use a common language. It was discovered that tribes not far removed from Sydney spoke in a tongue which was not understood in the settlement. Port Stephens is only a hundred miles from Sydney, and yet, according to the account given by these four men, the language differed from any dialect known in the district surrounding Sydney.* 1790 Native dialects

Many other attempts were made to escape from the settlement, but few were successful. One of the exceptions was the case of Bryant and his companions.† The only way in which convicts could get clear away was by seizing a boat and putting to sea; but a careful watch was kept, and it was very seldom that escapes were made in this manner.‡ It was a common thing, however, for convicts to take to the bush in twos or threes, or in larger parties, although the The only feasible way of escape.

coast, and was driven past this harbour as far to the northward as Port Stephens, in which she anchored. There, to the great surprise of Captain Broughton, he found and received on board four white people, (if four miserable, naked, dirty, and smoak-dried men could be called white) runaways from this settlement. . . . Four of these people (Joseph Sutton having died) were now met with in this harbour by the officers of the Providence, and brought back to the colony. They told a melancholy tale of their sufferings in the boat; and for many days after their arrival passed their time in detailing to the crowds, both of black and white people which attended them, their adventures in Port Stephens, the first harbour they made. Having lived like the savages, among whom they dwelt, their change of food soon disagreed with them, and they were all taken ill, appearing to be principally affected with abdominal swellings. They spoke in high terms of the pacific disposition and gentle manners of the natives. They were at some distance inland when Mr. Grimes was in Port Stephens; but heard soon after of the schooner's visit, and well knew, and often afterwards saw, the man who had been fired at, but not killed at that time, as was supposed by Wilson. Each of them had had names given him, and given with several ceremonies. Wives also were allotted them, and one or two had children."

* Collins, vol. i, p. 426.

† See Vol. i, p. 172.

‡ In December, 1791, two convicts stole a boat belonging to Mr. White, the chief surgeon, and sailed northwards up the coast, but the day after their flight they were seen by the Gorgon between Sydney and Broken Bay. Finding that they were discovered, they "ran into the woods."—Collins, vol. i, p. 190.

1791 fugitives had nothing to choose between death from starvation, or the spears of the natives, and return to the settlement, where they were sure to be severely punished. There seemed, however, to be an impression in the minds of some of the convicts that it was possible to escape by land to some other country. One party of absconders, according to their own account, set out with the object of getting to China, but it was generally supposed that "this improbable tale was only a cover to the real design, which might be to procure boats, and get on board the transports after they had left the Cove."*

Convicts' geographical knowledge.

Escapees generally new arrivals.

It is a noticeable fact that the convicts who seemed most anxious to make their escape were newcomers, rather than those who had lived for a time in the colony. On the 1st November, 1791, twenty-one convicts (including one woman) who had arrived by the Queen about five weeks before, went off into the bush bound for "China." Most of them were discovered a few days afterwards, and brought back in a "state of deplorable wretchedness, naked, and nearly worn out by hunger," but three of the party, who were found in the neighbourhood of Narrabeen, "notwithstanding their situation, did not readily give themselves up." They said nothing about China, but confessed that they had gone into the bush to escape work; and so determined were they not to labour, if they could help it, that a few days after their capture they again absconded. At the muster ordered in January, 1792, there were over fifty absentees.†

Abhorrence of work.

Phillip before this had frequently complained of the indolence of the convicts, but among the new arrivals the

* Collins, vol. i, p. 185.

† "By the Commissary's report of the muster it appeared, that forty-four men and nine women were absent and unaccounted for; among which number were included those who were wandering in the woods, seeking for a new settlement, or endeavouring to get into the path to China! Of these people, many, after lingering a long time, and existing merely on roots and wild berries, perished miserably. Others found their way in, after being absent several weeks, and reported the fate of their wretched companions, being themselves reduced to nearly the same condition, worn down and exhausted with fatigue and want of proper sustenance."—Ib., p. 195.

repugnance to work was taking such an awkward shape that strong measures became necessary. He therefore called the convicts together, and warned them that in future absconders would be fired upon by the soldiers wherever they were seen, and that if any were brought in alive they would be severely punished.* Although Phillip was not to be trifled with, he displayed neither anger nor vindictiveness. On the contrary, having made, as he supposed, a strong impression upon the convicts, "he forgave some offences which had been reported by the magistrates, exhorted them to go cheerfully to their labour, and changed their hours of work agreeably to a request which they had made."† Phillip's harangue seems to have had the desired effect. Absconding became a much less frequent offence, and the extreme measure of shooting down convicts in the bush, simply because they had run away from work, was never resorted to.

1791

Escapees outlawed.

Phillip's magnanimity.

Notwithstanding the great mortality which took place on board the Neptune, Surprize, and Scarborough, the arrival of those vessels and the Lady Juliana almost doubled the population of the settlements. A return made up to the 25th July, 1790,‡ shows that on that date the number of persons living at Port Jackson and Norfolk Island, including men, women, and children, was—at Port Jackson, 1,455; at Norfolk Island, 524; and at Rose Hill, 260. In all, 2,239. Of the gross number, 1,640 persons, including 83 children,

Population statistics.

* "The practice of flying from labour into the woods still, however, prevailing, the Governor caused all the convicts who arrived this year to be assembled, and informed them of his determination to put a stop to their absconding from the place where he had appointed them to labour, by sending out parties with orders to fire upon them whenever they should be met with; and he declared that if any were brought in alive, he would either land them on a part of the harbour whence they could not depart, or chain them together with only bread and water for their subsistence, during the remainder of their terms of transportation. He likewise told them that he had heard they were intending to arm themselves and seize upon the stores (such a design had for some days been reported), but that if they made any attempt of that kind, every man who might be taken should be instantly put to death."—Collins, vol. i, p. 186.

† Ib.

‡ Historical Records, vol. i, part 2, p. 365.

1790 belonged to the convict class; the remaining 599 constituted the free population, consisting chiefly of the civil and military; of this number 57 were children. Before the arrival of the Lady Juliana, the convict population at Sydney and Rose Hill was rather less than 400; by the time the last of the transports came in, the number had been increased to upwards of 1,200.

Colony overcrowded. This influx of convicts, a large number of whom required medical treatment, while scarcely any were fit to labour, was a serious embarrassment, and Phillip lost no time in relieving the settlement, so far as was practicable, by sending off a batch to Norfolk Island. The Surprize, which arrived on the 26th June, was got ready as quickly as possible, and sailed on the 1st August with 194 convicts, of whom 157 were women, and as large a quantity of provisions as she could stow. The female convicts were evidently taken chiefly from the 225 brought out by the Lady Juliana, for previously to her arrival there were only 70 female convicts in the settlement. The Justinian was loaded with stores and sent to the same destination; she sailed on the 28th July, and both vessels arrived on the same day.

Norfolk Island supplies.

Norfolk Island was in as great straits for food as Port Jackson, and the relief was received with gladness. The day before the ships arrived, the ration, which had continued to diminish since the wreck of the Sirius in March, was reduced to a very low point—it was described in one of the proclamations as "the most reduced allowance that it is possible for people to subsist on"—and even at that rate there were only provisions for twelve weeks in store.* The

The ration at Norfolk Island.

* The ration consisted of two pounds of flour, one pint of rice, and half a pint of caravances per week for each person, in addition to what birds or fish might be procured. "Caravances," "callivances," or "caravanseras"—the word is spelt in three ways in the despatches—is another name for the chick-pea. According to Mr. Charles Moore, Director of the Sydney Botanic Gardens, "The chick-pea, *Cicer arietinum*, is the 'cece' of the Italians, the 'garbarzos' of the Spaniards, and the 'gram' of India. This plant is extensively cultivated in India. It has from time to time been cultivated in this colony, but has not proved a profitable crop, and I do not think it is now grown here."

timely appearance of immense flocks of birds and the plentiful supply of fresh fish saved the people from starvation.* The birds referred to are called petrels in some of the accounts; Phillip described them as puffins.† They came in thousands to Mount Pitt, a high hill near Sydney Bay, the head-quarters of the settlement, and as they were easily killed they afforded an abundant supply of animal food. It was noticed as a remarkable circumstance that the birds made their appearance almost immediately after the loss of the Sirius, and did not leave Mount Pitt until the relief arrived. From this fact they were called "Birds of Providence." They were also called "Pittites."‡ 1790 "Birds of Providence."

According to Collins, there went to Norfolk Island, in the Surprize, Mr. Thomas Freeman, Deputy-Commissary, who had been appointed to the office by the Governor's warrant, and two superintendents, who were recent arrivals.§ He mentions at the same time a name which has become historic. "There came out in the Neptune a person of the name of Wentworth, who, being desirous of some employment in this country, was now sent to Norfolk Island to act as an assistant to the surgeon there, being reputed to have the necessary requisites for such a situation."‖ This was Mr. D'Arcy Wentworth, a young man who had been trained in England for the medical profession. He made good use of his opportunities, and after a few years' service in Norfolk Island as surgeon's assistant and superintendent of convicts Officials. D'Arcy Wentworth

* Ross, in reporting to Grenville the arrival of the Surprize and Justinian, declared that "if Providence had not worked a miracle in our favour there would have been but few of us found alive when those ships arrived."—Historical Records, vol. i, part 2, p. 402.

† The vulgar name is "mutton-bird." Mutton-birds are sometimes to be seen in poulterers' shops in Sydney.

‡ An interesting account of these birds, and the manner in which they were made use of, is contained in a letter written by one of the non-commissioned officers of the Sirius. The letter, which forms part of the Banks collection of papers, is published in the Historical Records, vol. i, part 2. The portion relating to the "Birds of Providence" will be found at pp. 397, 398.

§ Mr. Freeman had been employed as assistant to Mr. Palmer, Commissary at Sydney.

‖ Collins, vol. i, p. 130.

1790 obtained important appointments at Sydney. He was the father of William Charles Wentworth, who in later years played a prominent part in the political life of the colony.

At the close of 1790 the loss of population caused by death and desertion in the settlements at Sydney and Parramatta was reckoned up by Collins. It amounted to one hundred and fifty-nine souls. During the twelve months the only deaths from sickness among the free population were those of two seamen and one soldier; while of the convict class, one hundred and twenty-three men, seven women, and ten children died. Most of these had arrived by the vessels of the Second Fleet, and many of them were in a dying state when they landed. The despatches show that fifty died in less than three weeks after their arrival. The rest of the people, notwithstanding the privations they suffered, seem to have kept their health.

Mortality.

SETTLERS ON THE SOIL.

1789

When Phillip left England he was directed to turn his attention, immediately upon landing, to the cultivation of the soil. The difficulties which confronted him in attempting to comply with this order have already been alluded to. They arose, in part, from the nature of the undertaking, but principally from the imperfect manner in which the expedition had been equipped. Great as these difficulties were, Phillip, from the outset, maintained that they would disappear with the introduction of suitable settlers; and as soon as an opportunity offered he determined to prove whether industrious farmers could, within a reasonable time, support themselves by their own exertions on the produce of the land.

Agriculture.

Difficulties not insuperable.

In November, 1789, the opportunity he was waiting for presented itself. Several of the convicts claimed that they had served a large part of their sentences in England, on the hulks or elsewhere, before their embarkation, and that they were, soon after their arrival, entitled to their liberty. Amongst these was a young farmer from Cornwall, named James Ruse, who had been sentenced at the Bodmin Assizes of July, 1782, to seven years' transportation, and who had been distinguished for his diligence and good behaviour. The authorities having omitted to furnish Phillip with a statement of the dates on which the convicts' sentences expired, he placed Ruse—pending the receipt of the papers from England—upon an acre of cleared and prepared land on the right bank of the Parramatta River, where the town

First land grantee—James Ruse.

Initial steps.

1790 now stands. A hut was built for him; seeds, implements of agriculture, and a small quantity of live stock were provided; and he was allowed clothing and provisions for twelve months from the public store. As a spur to his industry, he was promised that if he behaved well he would receive a grant of thirty acres on the site where his hut stood.

Incentive to industry.

An opinion had been freely expressed by the military officers, and, according to Collins, was "pretty freely disseminated," that the land in the colony would not return an equivalent to the labour expended in cultivating it. Notwithstanding this, Ruse gladly accepted the conditions, telling the Governor that if one acre more was cleared for him he should be able to support himself after January, 1791.

Phillip doubted whether the man would be so successful as he anticipated, but thought that he would "do tolerably well" after he had been supported from the public store for eighteen months. Ruse, however, was as good as his word. In November, 1790, when he had been twelve months on his farm, Tench interviewed him concerning his antecedents and the progress he had then made. He had at that time an acre and a half in "bearded wheat," half an acre in maize, and a small kitchen-garden. The wheat, which he expected to go about eight bushels to the acre, was sown in May and June, the maize in August and September. Ruse gave the following description of his method of preparing the ground:—"Having burnt the fallen timber off the ground, I dug in the ashes, and then hoed it, never doing more than eight, or perhaps nine rods in a day, by which means, it was not like the Government farm, just scratched over, but properly done; then I clod-moulded it, and dug in the grass and weeds—this, I think, almost equal to ploughing. I then let it lie as long as I could, exposed to air and sun; and just before I sowed my seed, turned it all up afresh. . . . The greatest check upon me is the dishonesty of the convicts, who, in spite of all my vigilance,

Perseverance triumphant.

Ruse's harvest.

His method of tillage.



TOMBSTONE OF JAMES RUSE.
(The First Settler.)

rob me almost every night." Ruse mentioned that he had been "bred a husbandman, near Launcester (*sic*), in Cornwall."* 1791 His early youth.

Although only an acre and a half of cleared land were placed at his disposal, instead of two acres, he was in an independent position by the 25th February, 1791, "when he declined receiving any further support, being then able to maintain himself." In the meantime he had taken a wife, and a child had been born to him, both of whom, Phillip reported, "he wishes to take off the store next Christmas."† An independent spirit.

Ruse had fairly earned his reward,‡ and on the 22nd February, 1790, Phillip signed the first land grant executed in Australia, making Ruse the proprietor of thirty acres of land. The allotment, which was situated on the south of the "Ponds," at Parramatta, was named "Experiment Farm" in the grant, which thus became a record of the success which had attended Phillip's first effort in land settlement. 22nd February, 1790, first land grant signed. "Experiment Farm."

The boundaries of the grant can still be traced. The farm faced a small tributary to the Parramatta River, known as Clay Cliff Creek. It now forms a part of Anderson Ward, in the Borough of Parramatta, and lies about twelve chains in a southerly direction from the public wharf at the foot of George-street: it is bounded on the west side by Harris-street, on the south by Brisbane-street, and on the east by Elizabeth-street. The land was sold by Ruse to Dr. Harris, of the New South Wales Corps, by whom a cottage, which still stands, was built upon it, and called Its situation.

* Tench, Complete Account, p. 80.

† "Sometime in this month [March, 1791], James Ruse, the first settler in this country, who had been upon his ground about fifteen months, having got in his crop of corn, declared himself desirous of relinquishing his claim to any further provisions from the store, and said that he was able to support himself by the produce of his farm. He had shown himself an industrious man; and the Governor, being satisfied that he could do without any further aid from the stores, consented to his proposal, and informed him that he should be forthwith put in possession of an allotment of thirty acres of ground in the situation he then occupied."—Collins, vol. i, p. 158.

‡ Ruse was rewarded in another way. His wife, who, like himself, was a convict, was emancipated in July, 1792.—Ib., p 225.

1791 "Experiment Cottage," a name it still bears. The part of the land which Ruse first tilled is now a large vegetable-garden, cultivated by Chinese. The accompanying facsimile is from the original document,* which is still in existence. A conveyance to Dr. Harris is endorsed on the back of the original grant.

Chinese garden.

A few years afterwards (1794) Ruse obtained another grant of thirty acres of land, "situate on the east side of the river Hawkesbury, in the district of Mulgrave Place." The land was named in the grant "Ruse Farm."†

"Ruse Farm."

It had thus been demonstrated that an industrious man, with a little assistance, could maintain himself on the land after a year and a half, or less; and eighteen months was adopted as the time for which settlers should be supported from the public store. The experiment had succeeded beyond expectation, but the advantages arising from it were not immediately apparent. The land was capable of supporting an army of industrious settlers, but the large body of cultivators Phillip wished to see in possession was conspicuous by its absence. There was no immigration of free men, and neither the marines whose term of service was about to expire, nor the convicts who had served their sentences, showed much inclination to go upon the land as

Result of the experiment.

Settlers.

* The original deed was kindly placed at the Editor's disposal by Mr. F. Beames, J.P., of Parramatta. Ruse died in 1837, and was buried in St. John's churchyard, Campbelltown. The quaint inscription on his tombstone will be found facing p. 157, reproduced by photographic process.

† As no detailed survey of the country had been made, the boundaries of the early grants could not be accurately defined. The insertion in the grants of specific names was of use, therefore, as affording a means by which the land could be identified. Phillip Schaffer's grant, bearing the same date as that given to Ruse, was for 140 acres, "to be known by the name of The Vineyard, laying on the north side of the creek leading to Parramatta." Similarly, the thirty acres of land granted by Grose to Charles Williams on the Hawkesbury in 1794 was "to be known by the name of Williams's Farm." Schaffer was one of the superintendents sent out by the Guardian. In the official list he is thus described, "Phillip Schaffer, formerly a lieutenant in one of the Hessian Corps which served in America, has been accustomed to farming." According to Phillip, "he was not calculated for the employment for which he came out, but as a settler will be a useful man."—Historical Records, vol. i, part 2, p. 536. Collins says that Schaffer did not know enough of the English language to qualify him for the position of superintendent.

working proprietors. The reluctance of the soldiery to accept the terms laid down in the Additional Instructions was explained by Phillip in his despatch to Grenville of 5th November, 1791.* Most of the officers of the detachment had formed a bad opinion of the country, and were anxious to leave it.† They made no secret of their dislike to the colony, and their disbelief in its resources; and the men taking their cue from the officers, looked with disfavour on the prospect held out to them. The convicts were open to the same influences, and, in addition, they were naturally anxious to leave the colony the moment their sentences expired. But Ruse's success, which the Governor did not fail to point out whenever he had the opportunity of doing so, with other favourable circumstances, altered the position somewhat, and in the despatch referred to above, Phillip was able to write to Grenville in a cheerful strain :—

1791

Pessimistic officers.

Ruse's success beneficial.

"I have now the pleasure of informing your Lordship that most of those fears and apprehensions are done away, and that we have now eighty-six settlers here and at Norfolk Island—that is, thirty-one from the marines, eleven seamen, and forty-four from those convicts whose sentences have expired; there are likewise more marines who have desired to be received as settlers when the detachment is to be embarked.‡ No man of bad character has been received as a settler."

Phillip added that all the settlers were doing well, and would, he hoped, be able to maintain themselves when the time for which they were to be supported from the public stores had expired. The return which accompanies this despatch§ shows that most of the settlers were placed in possession of their land in July or August, 1791, or at a subsequent date. It also shows that Norfolk Island, no doubt because of its greater fertility, was preferred to Rose Hill. The number of settlers given in the return is eighty-seven,

Prosperity of settlers.

* Historical Records, vol. i, part 2, p. 535.

† Ante, p. 35.

‡ The detachment embarked for England a month after this despatch was written.

§ Historical Records, vol. i, part 2, pp. 540, 541.

1791 one more than the number stated by Phillip, and of these, fifty took up land at Norfolk Island, while thirty-seven were placed at Rose Hill. Phillip was satisfied with the progress which had been made in settling the marines and convicts on the soil; but Collins looked at the matter in a different light. According to his account, the convicts who went on the land at this time formed only a small number of those whose sentences had expired. He speaks also of an alternative proposal, not referred to in the despatches, by which convicts who did not care to become settlers were to work for twelve or eighteen months after their time of sentence was over:—

Phillip and Collins differ.

Expirees encouraged to settle.

"The convicts whose terms of transportation had expired were now [July, 1791] collected, and by the authority of the Governor informed that such of them as wished to become settlers in this country should receive every encouragement; that those who did not, were to labour for their provisions, stipulating to work for twelve or eighteen months certain; and that in the way of such as preferred returning to England no obstacles would be thrown, provided they could procure passages from the masters of such ships as might arrive; but that they were not to expect any assistance on the part of the Governor to that end. The wish to return to their friends appeared to be the prevailing idea, a few only giving in their names as settlers, and none engaging to work for a certain time."*

Their desire to return to England.

Phillip pointed out this difficulty in his despatch of 5th November, but he did not say in so many words that the ex-convicts had refused to bind themselves to work for the Government. Those who could make themselves useful at sea would, he foresaw, be carried away by the transports, but by far the greater number "must remain, discontented, and desirous of seizing the first opportunity which offers of escaping." Phillip improved the occasion by suggesting that if settlers with means were sent out they would be able to offer employment to the people under conditions that would make them content to remain in the colony.

Settlers with means required.

* Collins, vol. i, p. 169.

1791

It was some years before free settlers from England were obtained, and in the meanwhile the difficulty had to be met in the best way possible. If the Governor was dissatisfied, so were the convicts whose sentences had expired. They stood in a peculiar position. If they chose to remain in the colony as settlers, they were well treated; they received free grants of land and support from the Government for a sufficient length of time to enable them to become independent; but if they refused these terms, and made up their minds to leave the settlement, they received no aid whatever. Unless they had money, or were able to give services in exchange for a passage, they were helpless. They must remain in the colony, and work either on their own account or for the Government, under conditions similar to those which had proved so distasteful to them during their time of compulsory servitude. If they declined to work, they had no alternative but to steal or starve.

Position of expirees.

Work, steal, or starve.

Phillip does not state at what time the settlers who followed Ruse were placed on the land, but the return of 5th November, 1791, shows that the majority of those who accepted the conditions* offered by Government had taken possession of their holdings in the months of July and August, 1791. Three became settlers as early as 30th March, while ten received grants at Norfolk Island on the 5th April. According to Collins, the greater number of ex-convicts were settled in the month of August. Twelve were placed on land

Pioneer settlers.

* The conditions were as follows:—

To marines and seamen:—

"To be clothed and victualled for eighteen months; to be supplied with a proportion of grain and a proper assortment of such tools and implements of husbandry as may be necessary for clearing and cultivating the land, as well as with such a proportion of hogs and poultry as may be necessary and can be spared from the general stock of the settlement, not to be less than two breeding sows, one cock and six hens, to have half an acre of land cleared of timber, and the necessary assistance given for building a hut sufficient to shelter the settler from the weather and secure his property."

To convicts whose sentences had expired:—

"To be supported and clothed from the public store for eighteen months, to receive two sow pigs, with the necessary implements of husbandry and grain for sowing the ground the first year."

Historical Records, vol. i, part 2, p. 540.

1791 at the foot of Prospect Hill, near the site of the reservoir which now constitutes the chief water supply of Sydney; while fifteen were put in possession of farms at a place on the northern bank of the Parramatta River, long known as "The Ponds."* The name has fallen into desuetude. The locality is now known, part of it, as Rydalmere, and the other part as Ermington. The relative positions of these first land grants can be seen from the accompanying map of the part of the County of Cumberland adjacent to Parramatta and Prospect Hill. The map† is complete with the exception of two grants which cannot be located. These were probably given to the two settlers to whom Collins refers‡ as having been deprived of their grants for non-fulfilment of the condition which required *bonâ fide* cultivation. The results were not at first very encouraging. The settlers who honestly endeavoured to do their best with the land, and were content to live frugally, soon found themselves on the road to prosperity, but those who were not industrious became tired of the life before they had given it a fair trial. Some of them wished to give up their land almost as soon as they had acquired it; others sold their live stock to procure luxuries, and thus deprived themselves of a valuable aid to success. Phillip reported to Dundas on the 19th March, 1792, that not only had several of the settlers who had been placed upon the land acted in this way, but that he had, in addition, "just received an account of twenty-two men and nine women who are received on board that ship [the Pitt] the terms for which they had been sentenced being expired. Thus will the best people

Locality of first farms.

Forfeited land grants

Industry necessary to success.

Exodus of expirees.

* "The Governor had now [August, 1791] chosen situations for his settlers, and fixed them in their different allotments. Twelve convicts, whose terms of transportation had expired, he placed on a range of farms at the foot of a hill, named Prospect Hill, about four miles west from Parramatta; fifteen others were placed on allotments in a district named the Ponds, from a range of fresh-water ponds being in their vicinity; these were situated two miles in a direction north-east of Parramatta."—Collins, vol. i, p. 172.

† The Editor is indebted for this map to Mr. C. J. Saunders, Chief Draftsman of the Department of Lands, by whom it was specially prepared for the illustration of this chapter.

‡ Collins, vol. i, p. 212.

PLAN

of part of the County of Cumberland

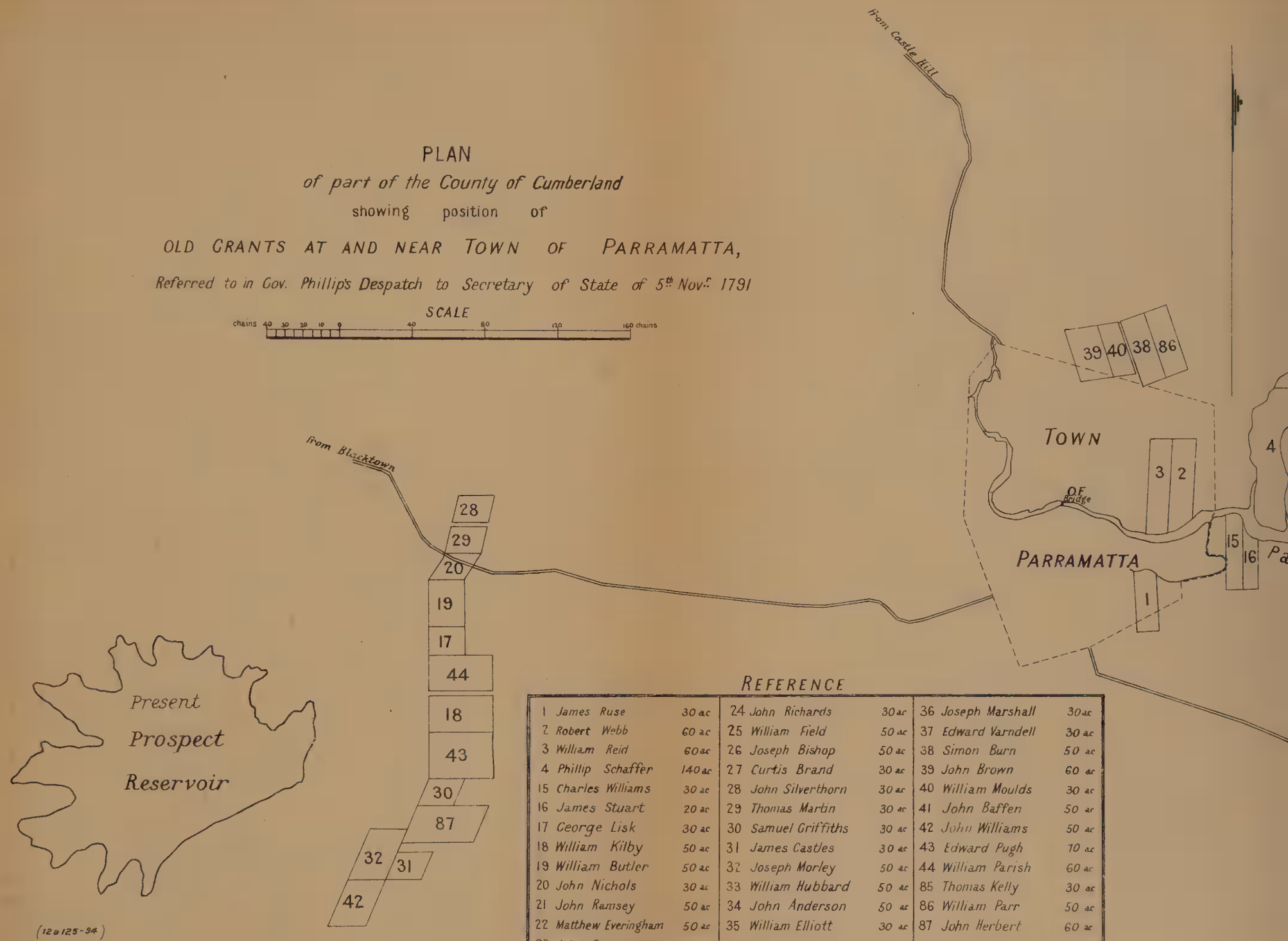
showing position of

OLD GRANTS AT AND NEAR TOWN OF PARRAMATTA,

Referred to in Gov. Phillip's Despatch to Secretary of State of 5th Novr 1791

SCALE

chains 40 30 20 10 0 40 80 120 160 chains



(12a125-34)

REFERENCE

1 James Ruse	30 ac	24 John Richards	30 ac	36 Joseph Marshall	30 ac
2 Robert Webb	60 ac	25 William Field	50 ac	37 Edward Varndell	30 ac
3 William Reid	60 ac	26 Joseph Bishop	50 ac	38 Simon Burn	50 ac
4 Phillip Schaffer	140 ac	27 Curtis Brand	30 ac	39 John Brown	60 ac
15 Charles Williams	30 ac	28 John Silverthorn	30 ac	40 William Moulds	30 ac
16 James Stuart	20 ac	29 Thomas Martin	30 ac	41 John Baffen	50 ac
17 George Lisk	30 ac	30 Samuel Griffiths	30 ac	42 John Williams	50 ac
18 William Kilby	50 ac	31 James Castles	30 ac	43 Edward Pugh	70 ac
19 William Butler	50 ac	32 Joseph Morley	50 ac	44 William Parish	60 ac
20 John Nichols	30 ac	33 William Hubbard	50 ac	85 Thomas Kelly	30 ac
21 John Ramsey	50 ac	34 John Anderson	50 ac	86 William Parr	50 ac
22 Matthew Everingham	50 ac	35 William Elliott	30 ac	87 John Herbert	60 ac
23 John Summers	30 ac				

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

always be carried away, for those who cannot be received on board the ships as seamen or carpenters pay for their passage." * 1790-1

During the latter end of 1790 and the commencement of 1791 as much progress was made with the cultivation of the land by the convicts on the public account as the circumstances would permit. The conditions were not favourable. With debilitated and ill-fed men as labourers, the clearing of the ground could only proceed slowly, while the prolonged dry weather rendered it impossible to put any seed in the ground until June, when a little rain fell. But the drought did not break up until August, and Phillip had to report in November that, although the crops looked better than there had been reason to expect, they had suffered very much from the seed having lain so long in the ground before it vegetated.† Adverse conditions.

What progress had been made by the settlers towards the end of the year is shown by the return of land under cultivation at Parramatta in November, 1791.‡ The total area cleared was 921 acres; but of this 288½ acres had not been sown. The remaining 632½ acres included 90½ acres of Cultivation.

* Historical Records, vol. i, part 2, p. 597.

† "During this month [June, 1791] some rain had fallen, which had encouraged the sowing of the public grounds, and one hundred and sixteen bushels of wheat were sown at Parramatta. Until these rains fell, the ground was so dry, hard, and literally burnt up, that it was almost impossible to break it with a hoe, and until this time there had been no hope or probability of the grain vegetating."—Collins, vol. i, p. 166. "In addition to the quantity of ground sown with wheat, a large proportion was cleared to be sown this season with Indian corn; and the country about Parramatta, as well as the town itself, where eight huts were now built, wore a very promising appearance. At Sydney, the little ground that was in cultivation belonged to individuals; the whole labour of the convicts employed in clearing ground being exerted at Parramatta, where the soil, though not the best for the purposes of agriculture (according to the opinion of every man who possessed any knowledge of farming) was still better than the sand about Sydney, where, to raise even a cabbage after the first crop, manure was absolutely requisite."—Ib., p. 167. An obvious printer's error occurs in this passage of Collins's work. He gives the number of huts at Parramatta as eight, whereas Tench, who visited the town some months before, states that about fifty huts were then finished, and more were in course of erection. There is other evidence to indicate that "eight" is a misprint for "eighty."

‡ Historical Records, vol. i, part 2, p. 539.

1791

Area under cultivation, November, 1791.

garden-ground, leaving 542 acres actually under cultivation. Of this, 405 acres belonged to Government, 92 to settlers, and 45 to servants of the Crown. Of the 288½ acres which had not been sown, 134 were used as cattle-enclosures, in which the timber had been thinned, but the surface of the ground had not been disturbed;* the remaining 154½ acres were ready to receive the seed, and therefore might be properly described as "in cultivation." There was thus actually under cultivation an area of 787 acres.

The settlers, of whom thirty-seven had been put in possession of lots at Parramatta, thus held on an average about 2½ acres of cultivated land each. The greater number, however, had only had their land for a few months. Of the 405 acres belonging to Government, 351½ were in maize, 44¼ in wheat, 6¼ in barley, 2 in potatoes, and 1 in oats. The yield from this was as follows:—Maize, 4,844½ bushels;† wheat, 638 bushels; barley, 59 bushels.‡ The other produce (barley, potatoes, and oats) was not recorded. Of the 4,844½ bushels of maize, 2,649½ were issued as bread for the colony, 695 bushels had been reserved for seed "and other purposes," while not less than 1,500 bushels had been stolen from the grounds.§ Three hundred and eighty-three bushels of the wheat were sown for the next harvest, while 255 were issued in lieu of bread. The whole of the 59 bushels of barley

Agriculture in 1791.

* The object of the enclosure was to prevent the live stock straying away and being lost in the bush. Soon after the arrival of the First Fleet, four cows and two bulls, the only horned cattle the settlement possessed, strayed away. They were not heard of again until November, 1795, when they were discovered on the banks of the Nepean. They had by this time increased to a herd.—Vol. i, pp. 306, 311, 312, 393. "At the commencement of this month [July, 1791] not less than one hundred and forty acres were thinned of the timber, surrounded by a ditch, and guarded by a proper fence."—Collins, vol. i, p. 167.

† Historical Records, vol i, part 2, p. 645.

‡ Ib., p. 645 (note).

§ Phillip explains that the convicts stole the grain because they were pressed by hunger. Several of them died from eating maize in its crude state when carrying the grain to the public granary. He adds:—"But in speaking of these people, it is but just to observe that I can recollect very few crimes during the last three years but what have been committed to procure the necessaries of life."—Ib., p. 645.

seems to have been reserved for seed. In October, 1792, Phillip informed the Secretary of State of the progress made in the settlement of the soil during the preceding eleven months. The number of settlers at Parramatta to whom lands had been granted had increased from 37 to 65, of whom 53 had been convicts.* The area of ground under cultivation on the public account had increased from 405 to 1,000 acres; that in possession of the settlers from 92 to 416 acres; and the gardens from 90½ to 100 acres; making in all 1,516 acres. The settlers had, in addition, 97 acres of ground cleared of timber. It will be observed that the average area of ground under cultivation by each settler had been more than doubled in eleven months. Four-fifths of the Government ground were sown with maize, the remainder with wheat and barley.† The cultivated land was situated at Parramatta and Toongabbie, or "Toon-gab-be," as Phillip spells the native name, which he adopted as he had done in the case of Parramatta. In the neighbourhood of this place there were, according to Phillip, "several thousand acres of exceeding good ground."

1792

Progress made.

Area under cultivation, October, 1792.

Toongabbie.

A word may be said here as to the quality of the land on which the first settlers were placed. The success which attended Captain Macarthur's efforts at Elizabeth Farm‡ a few years later, and the profitable use to which some of the land is put at the present day, shew that the soil, if not unusually rich, was at least fairly good. But in Phillip's time, as already pointed out, an idea was very generally entertained

* Historical Records, vol. i, part 2, p. 661.

† Ib., p. 640. Phillip's statement as to the area of land in cultivation agrees very closely with the report of the Surveyor-General, dated 16th October, a fortnight later than the despatch. According to this report, printed by Collins (vol. i, p. 248, 249), the ground "in cultivation" comprised 1,703 acres, but of this area there were 162½ acres which had been cleared only. This reduced the area of cultivated land to 1,540½ acres, showing only a trifling increase on the area reported by Phillip in his despatch. The return will be found in the Appendix.

‡ Originally one hundred acres in extent, granted to Lieutenant John Macarthur by Lieutenant-Governor Grose, on the 12th February, 1793. The farm was situated on the south bank of the Parramatta River. The Rosehill racecourse now stands on part of the ground.

1792

Popular opinion unfavourable.

Phillip combats it.

Expert reports land good.

Settlers responsible for non-success.

Difficulties to be overcome.

that the land was worthless—that it would produce next to nothing, and, in short, was incapable of supporting life. Reports of this nature reached England, and Phillip hearing of them took an opportunity of presenting the other side of the case. He did not pretend to be an expert, but he made use of the first one he could lay his hands upon. This was Mr. David Burton, a superintendent who was sent out in the Gorgon.* He had been brought up as a gardener, and knew good land when he saw it. Phillip instructed him to report on the soil at Parramatta and Toongabbie, and he was particularly directed not to overrate the value of the land.† His report‡ was of a very favourable character. It stated that the land, as a rule, was good, and that all the settlers seemed to be in a fair way to success, excepting two at Prospect Hill and three at The Ponds, who complained that their land was bad; but Mr. Burton, having inquired into these cases, came to the conclusion that want of success was owing not to the sterility of the soil, but to other causes, for which the cultivators were responsible.§

The results of Phillip's efforts in the settlement and cultivation of the land were, so far, not of great magnitude, and they were probably disappointing to the English authorities who expected more than could be attained under such unfavourable circumstances. The difficulties that had been encountered, and had still to be met, were of an extraordinary character. Convicts had been poured into the country. Even if they had landed in good health, want of food and the absence of men capable of directing their labours in the

* He shot himself accidentally on 13th April, 1792, and died of the wound a few days afterwards. Collins speaks of him as a talented botanist and a capable surveyor.

† See Phillip's despatch.—Historical Records, vol. i, part 2, p. 599.

‡ Ib., pp. 599, 600.

§ Hunter's first impressions regarding the quality of the soil were unfavourable. In his Historical Journal, p. 203, he writes:—"If it be the determination of Government to persevere in establishing a settlement in this country upon an extensive plan, the nation must be content to submit to a very heavy expense. It must be stocked with cattle, were it only for the manure, for without manure this country is too poor ever to yield tolerable crops."

field would have made their successful employment as cultivators of the soil an impossibility. But in addition to these obstacles, the settlement suffered from a drought of great severity, which lasted for more than a year. These disadvantages were set forth in Phillip's despatch to Grenville of the 15th December, 1791 :— 1791

"I must beg your Lordship's permission to refer—for those causes which have prevented the colony's being in the situation I expected, and which I have no doubt but that it would otherwise have been in—to those parts of my letters in which I have pointed out the loss of the man on whom I placed great dependence, and who was charged with directing the labour of all the convicts employed in agriculture; the very long drought; the reduced ration, and which, when not so very low as to render the people incapable of labour, serves as a too well-founded excuse for their doing but very little work, and must be always attended with great discontent amongst such people; the miserable state in which two large bodies of convicts have been landed, who are a burthen to the colony, and who, when they regain their health, are not in general calculated for hard labour; and the want of a proper person to be charged with the cultivation of the ground, and to have the direction of the convicts who are employed in agriculture. If I have too often adverted to this subject, I trust that the cause will excuse me to your Lordships, and for observing that it now only wants one month of four years since I first landed in this settlement, during which time all the public live stock which has been received is not more than what would be necessary for one good farm, nor has that been received till within these three months."

No superintendent.

The drought.

Sick convicts.

Insufficient stock.

The allusion made to the live stock pointed to a conspicuous defect in the arrangements which were made for founding and maintaining the colony. The necessity of stocking the country was as apparent to the authorities of the Home Department as it was to Phillip, but the means taken to supply the want were ludicrously inadequate. The defect was aggravated by the mortality which took place among the animals that were placed on board the ships, and by the loss of the whole of the Guardian's shipment; but accidents at sea were to be expected, and allowance should have been

Defective arrangements.

1791 made for them. If all the live stock shipped during the first three or four years had been landed at Port Jackson in safety, it would have been insufficient for the purpose for which it was intended; but what with accidents at sea, and losses on land, the live stock in the colony when Phillip wrote his despatch in December, 1791, nearly four years after its establishment, was not enough, as he forcibly expressed it, "for one good farm," and most of it had been received during the last few months, viz., that brought from the Cape in the Gorgon by Lieutenant-Governor King.

Stock importations inadequate.

The loss of the Guardian seems to have paralysed the Home Department, for although the importance of introducing live stock was recognised in the despatches sent to Phillip, no measures were taken to supply the colony for a considerable time afterwards. The Gorgon was well fitted for carrying sheep and cattle, but no arrangements were made to employ her in this work, and, but for the energy and forethought of King, who exceeded his authority, and ran the risk of being reprimanded for so doing, she would have arrived at Sydney without a single head.* As Phillip pointed out in writing to Dundas on the 19th March, 1792, the proper plan would have been to fit out a couple of ships for the express purpose of conveying live stock from the Cape to Port Jackson.

Lieutenant-Governor King's forethought.

It was not until the middle of 1792 that any systematic plan for stocking the colony with cattle and sheep was considered by the Home Department, and the arrangement then proposed was of doubtful value, and certain, whatever happened, to cause delay. The Government had been for some time in correspondence with the authorities at Calcutta, with the view of obtaining regular supplies of provisions for the settlement from that place, and it was proposed

* According to the official return, the public live stock in the settlement in November, 1791, two months after the arrival of the Gorgon, consisted of one stallion, one mare, two colts, sixteen cows, two calves, one ram, fifty ewes, six lambs, one boar, fourteen sows (old and young), and twenty-two pigs.—Historical Records, vol. i, part 2, p. 549.

to obtain live stock also from India. Dundas wrote to this effect to Phillip on the 15th May, 1792,* and followed up the subject in a despatch of two months' later date, 14th July, 1792,† in which he said:—"I have some hopes that you may receive a few sheep or horned cattle, or both, by the Royal Admiral from the Cape. At the same time, as I observed in my last, it is to Bengal that I chiefly look for an efficient supply of that nature." He therefore recommended Phillip to send the transport Dædalus to Calcutta for a shipment of stock. This vessel, as Phillip had been informed by Dundas, in a despatch written in July of the previous year,‡ had been sent to the north-west coast of America, to convey stores for the ships Discovery and Chatham, which were pursuing a voyage of exploration and survey, under Captain Vancouver; and after the performance of that service she was to sail for Sydney, where she was expected to arrive early in 1793, her commander, Lieutenant Hanson, having instructions to place himself under the orders of Governor Phillip, either "for going to Calcutta or elsewhere for the purpose of procuring supplies." To save time, instructions were given to Vancouver to put some live stock on board the Dædalus at Nootka or the Sandwich Islands.§ For some reason which is not explained, Vancouver did not carry out this arrangement. He proposed to procure breeding cattle and sheep from the Spanish ports on the south parts of the coast of New Albion;‖ because that country, like New South Wales, was but "slightly cultivated," and the stock reared under those conditions had "succeeded to a very high degree, with scarce the smallest care and attention."¶ "Twelve cows and six bulls, with an equal number of male and female sheep," were accordingly shipped on board the Dædalus at Monterey.** With the exception of some hogs, one calf, and four sheep, none of them survived

1792

Cattle from India.

The Dædalus.

Stock from New Albion (California).

* Historical Records, vol. i, part 2, p. 624.
† Ib., p. 631. ‡ Ib., p. 497. § Ib., p. 501.
‖ Now California.
¶ Historical Records, vol. i, part 2, p. 667. ** Ib., p. 680.

1793 the passage. The despatch from Dundas giving instructions to the Governor to send the Dædalus to India for live stock came into Grose's hands shortly before the arrival of the Dædalus, and having doubts as to her safety, he made arrangements to carry out the instructions in another way. In April, 1793, he contracted with the master of the storeship Shah Hormuzear to proceed to Calcutta and bring back one hundred head of cattle.*

Disastrous voyage of stock ship Dædalus.

When the Dædalus arrived, the day after the despatch in which Grose informed Dundas of the hire of the Shah Hormuzear was written, Grose feared that he had been too precipitate; he must, however, have felt relief when he learned how destructive to the live stock the voyage of the Dædalus had been. The Shah Hormuzear did not return; in her place the Neptune was fitted and loaded with cattle and provisions, but was wrecked shortly after leaving Bombay; and it was not until 31st May, 1795, that the Endeavour entered Sydney Harbour with the live stock for which Grose had contracted in April, 1793. One hundred and sixty-two head of cattle were safely landed, but about twenty died shortly after.† The Dædalus was to have brought stores as well as live stock for the settlement, but when she arrived it was found that Vancouver, instead of being in a position to send provisions, was himself in want of supplies. As it happened, Grose was able to furnish almost everything that he required.

Live stock from India.

India, which was regarded by the Government of the day as the best place to go to, both for live stock and provisions, failed at first in both respects. The breed of cattle which thrived there was small, and the provisions and clothing produced were found, as a rule, to be of inferior quality. Some time before Dundas's despatch of 16th July, 1792, reached Phillip, the Atlantic, which had been sent to Calcutta for supplies, returned to Port

* Historical Records, vol. ii, p. 22 (note).
† Ib., pp. 286 and 302; Collins, vol. i, p. 419.

1793

Jackson, bringing, in addition to a cargo of provisions, a few head of cattle, sheep, and goats. The live stock was not more successful than the provisions, which Phillip reported to be "very inferior to those of a similar nature which are furnished from Europe." Only a few head were shipped, and a large proportion perished. Of two bulls, one cow, one calf, two rams, eighteen ewes, and twenty goats purchased at Calcutta, one calf, eight ewes, and thirteen goats died on the voyage; the only cow received from Calcutta was very weak when she landed, and was soon afterwards lost by falling into the water. As the bulls were of the buffalo breed, while the cows in the settlement were of the European breed, these animals were of little value. Afterwards, however, provisions of good quality were obtained from India, while the sheep sent from Bengal, though small, were prized because of their productiveness.

Inferior provisions.

Sheep from Bengal.

THE THIRD FLEET.

1791

More convicts *en route.*

From the despatches brought by the vessels of the Second Fleet, Phillip learned with dismay that a thousand more convicts were about to be sent out, and he was directed to make preparations for their reception. For some reason which does not appear (probably a difficulty in obtaining transports), the hulks and gaols in England and Ireland were not "cleared" until the early part of 1791, when upwards of two thousand convicts, instead of one thousand, were despatched to Sydney. Writing on the 16th November, 1790,* Grenville informed Phillip that orders had been given to engage a number of vessels which would accommodate at least 1,800 convicts; but in a despatch of later date (19th February, 1791),† it was stated that the number had been "increased by clearing the gaols in Ireland to about 2,050."

Ten transports accommodate 2,050.

This large number of convicts was sent out in ten vessels, provided by Messrs. Camden, Calvert, and King, under contract with the Commissioners of the Navy. The transports were the Queen (which brought 200 convicts from Ireland), Atlantic,‡ William and Ann, Britannia, Matilda,

* Historical Records, vol. i, part 2, p. 415. † Ib., p. 461.

‡ Lieutenant Richard Bowen, one of the naval agents, who was on board the Atlantic, reported on his arrival in Sydney the discovery of a "good harbour on the coast," in latitude 35° 6′ south, which he named Jervis Bay. In the *Naval Chronicle*, vol. xxiii, pp. 353 to 379, a memoir of Lieutenant Bowen is given, in which mention is made of his services under Sir John Jervis, afterwards Earl St. Vincent. There is little doubt that Bowen named the bay after his former commander, to whom he was largely indebted for promotion in the Navy. The county in which the bay is situated was subsequently appropriately named St. Vincent. Bowen furnished Phillip with an eye-draught of the bay, of which the accompanying chart is a reduced copy.

BOWEN'S CHART OF JERVIS BAY.



(Enclosed in Phillip, to Grenville. Nov 8th 1791.)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

WEATHERHEAD'S CHART OF JERVIS BAY.

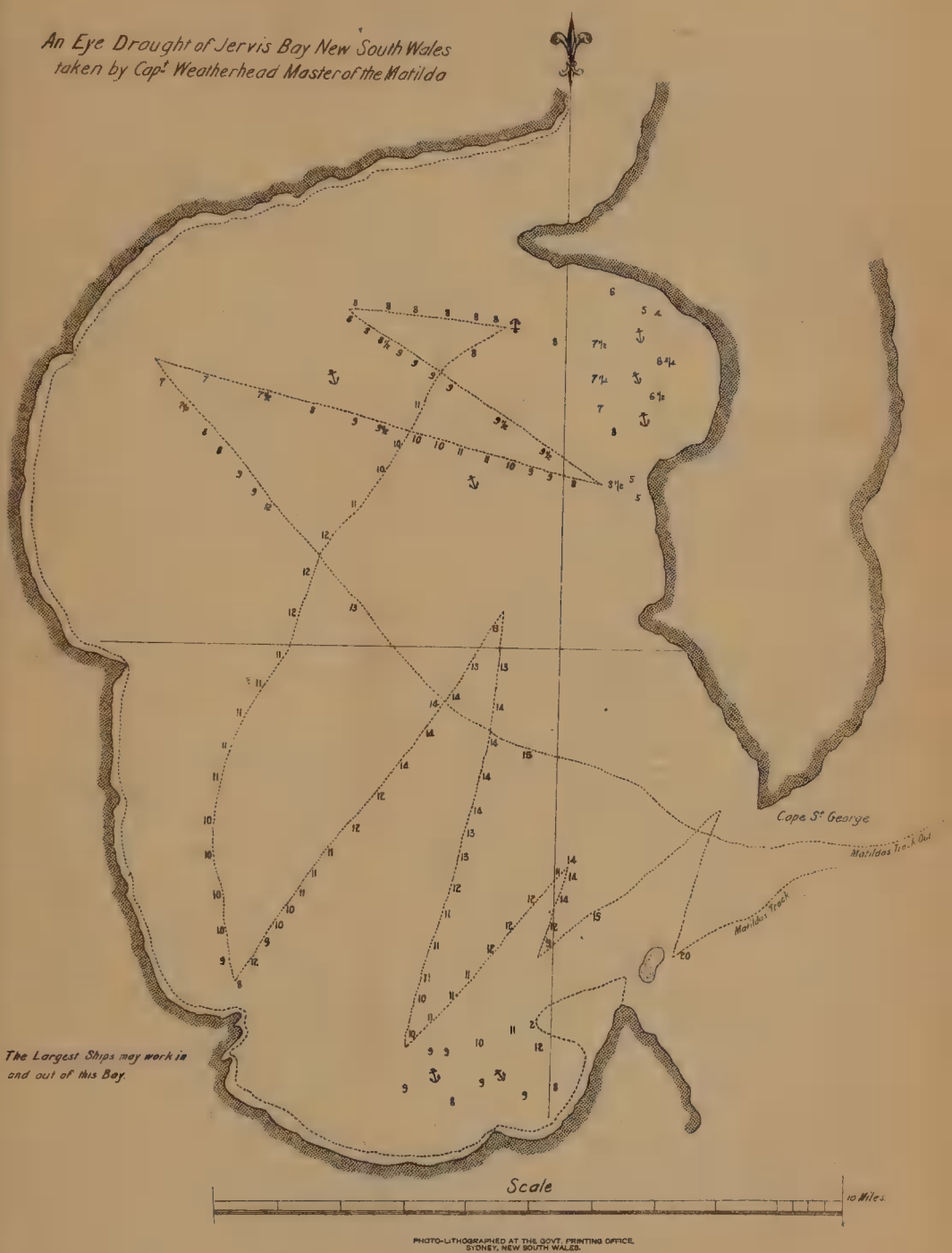


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

Salamander, Albemarle, Mary Ann, Admiral Barrington, and Active. At the same time the Gorgon man-of-war, which had been used as a reception-ship for convicts in 1787,* was got ready for the purpose of conveying stores and a few convicts to New South Wales. King, who had been appointed Lieutenant-Governor of Norfolk Island, had a passage in this vessel, and the action he took on the voyage in purchasing live stock at the Cape was not without importance to the colony. 1791 H.M.S. Gorgon.

All the transports arrived in safety, but in the case of one of them, the Albemarle, not without an adventure. On the 9th April, in latitude 44° 30′ north, longitude 15° 20′ west, a number of the convicts made an attempt to seize the vessel, but it was frustrated by the vigorous action of the master, George Bowen, who seized his blunderbuss and shot the leader in the shoulder. The man fled, and the other mutineers following his example, Bowen was left in possession of the deck. He at once mustered all hands, and sent a search party below for the mutineers, who were easily secured. A sort of informal Court-martial was held on the spot, in which the naval agent, Lieutenant Robert Parry Young, took part, the result of which was that two of the men who had instigated the mutiny, one of them being the man wounded by Bowen, were immediately hanged at the fore-yard-arm.† Mutiny on the Albemarle. Prompt measures. Summary punishment.

The island lying off the south head of the bay was named Bowen Island in honour of its discoverer. In November, 1791—three months after Bowen discovered it—Captain Weatherhead, of the transport Matilda, while coasting southward in search of seals, put into the bay to stop a leak. He remained there some days, and upon his return to Sydney furnished Phillip with the accompanying chart of the bay, copied from the original, which is still in existence. See Historical Records, vol. i, part 2, pp. 548, 553, 556, 558; Collins, vol. i, p. 174; Tench, Complete Account, p. 136; Hunter, p. 541.

* As the Gorgon "was to bring out stores and provisions, her lower-deck guns were left in England, and her complement was reduced to 100 men." The thirty male convicts she brought out "assisted in working the ship," as those on board the Guardian had done.—Hunter, Historical Journal, p. 552.

† A report of the occurrence, unsigned, is given in the Historical Records, vol. i, part 2, p. 487, as apparently from Lieutenant Young, the naval agent in charge; but from information received since that volume went to press, it appears that the report came from Mr. George Bowen, the master.

1791

Arrival of the Third Fleet.

The arrival of the transports was spread over a period of three months. The Mary Ann entered the port on the 9th July, and the Admiral Barrington on the 16th October. According to Phillip's despatch of the 5th November, 1791,* there were shipped on board these vessels 2,061 male and female convicts, while only 1,863 were landed; 194 men and 4 women, nearly one-tenth of the gross number, having died on the voyage. A great many were landed sick, and others became ill shortly after their arrival. The chief surgeon's report, dated several weeks after the arrival of the last ship, was to this effect:—"Under medical treatment and incapable of labour, 626—576 of whom are those landed from the last ships."† It is obvious from these facts that abuses such as marked the conduct of affairs on board the vessels of the Second Fleet were not absent from the ships of the Third Fleet, although the consequences in the latter case were not so disastrous. If any doubt existed as to the cause of the great mortality and the unsatisfactory condition of the convicts who survived, it would be removed by the knowledge that while some of the vessels lost large numbers of prisoners and came into port with a heavy sick-list, in other cases the loss of life was small, and the convicts arrived in good health. The inference to be drawn from these facts is that the sickness and death arose from preventible causes—in other words, from the treatment which the convicts received on the voyage.

Mortality on voyage.

Sick convicts.

Loss of life explained.

Few deaths on some vessels.

Phillip gives no details concerning the ships and their passengers; but in Collins's book each vessel is alluded to separately. The Mary Ann's passengers (women) were "all very healthy" when they arrived, and spoke highly of the

Phillip, when the affair came to his knowledge, approved of what had been done.—Historical Records, vol. i, part 2, p. 559. Collins (vol. i, p. 181) remarks:—"They had at this time parted company with the other transports, and no other means seemed so likely to deter the convicts from any future attempt of the like nature. It afterwards appearing that two of the seamen had supplied them with instruments for sawing off their irons, these were left at the island of Madeira, where the Albemarle touched, to be sent prisoners to England."

* Historical Records, vol. i, part 2, p. 538. † Ib.

treatment they had received from the master of the vessel. 1791
There were very few deaths on the Albemarle and the Britannia, which landed their convicts in a healthy state. On the Salamander and the William and Ann there had been five and seven deaths respectively, while the former had only one and the latter five sick. In the case of the other five transports the mortality had been heavy, and they brought a number of sick convicts into port. Collins briefly describes their condition as "unhealthy." The worst case was that of the Admiral Barrington. This vessel took on board one hundred and twenty-nine convicts, of whom thirty-six, or more than one-fourth, died on the voyage, while eighty-four were brought in sick. So that of the whole number embarked on this vessel only nine escaped either sickness or death. It is impossible to believe that this wholesale loss of life and general sickness could have taken place if the convicts had been properly cared for. In one case, that of the Matilda, there appears to have been a special reason for a high death-rate and a heavy sick-list. Her convicts for the most part were old and infirm.* The sufferings of these unfortunate people can be easily imagined. The voyage to Australia in those days, under close confinement and unhealthy conditions, could hardly but prove fatal to such men when it tried the constitutions of the young and robust.

Heavy mortality on others.

Convicts, aged and infirm.

That the convicts in some cases had not received fair treatment was apparent to other people besides Collins. When reporting the arrival of the Third Fleet, Phillip described to Grenville, in forcible terms, the condition which the majority of the convicts were in when landed. Many of them, he declared, would never recover their strength. The "greatest part" were so emaciated by long confinement, or want of food, that for many months they would be a "dead-

Phillip's views.

* "The convicts in this ship, on their landing, appeared to be aged and infirm, the state in which they were said to have been embarked. It was not, therefore, to be wondered at, that they had buried twenty-five on the passage. . . . Twenty were brought in sick, and were immediately landed at the hospital."—Collins, vol. i, p. 172.

1791 weight on the stores."* Both these causes of sickness and death were preventible. Confinement, to a certain degree, was necessary; but if those who had charge of the vessels had taken any trouble in the matter, it would have been easy enough to have given the convicts as much air as would not only have preserved their lives, but have kept them in tolerable health.† But the convicts seem to have been regarded by the masters of transports as worthless beings, whose health did not demand a thought, and who were better dead than alive. The want of food could only have been caused by the default of those who had charge of them. In regard to two vessels of the Third Fleet, complaints were made that provisions had been withheld; but as nothing was said on the point with respect to the other vessels, it must be assumed that the practice was not general. The two vessels referred to were the Active and the Queen. In the latter case an inquiry was made, and the charge substantiated.‡ It does not appear that any action was taken with regard to the Active.§ Out of two hundred and twenty-two male convicts landed from the Queen in September, 1791, only fifty were alive in May following.‖

Lax supervision.

Callous treatment.

Mortality after landing.

* Historical Records, vol. i, part 2, p. 538. The state of affairs in November, a month after the arrival of the last of the transports, is thus described by Collins (vol. i, p. 189):—"The mortality during this month had been great, fifty male and four female convicts dying within the thirty days. Five hundred sick persons received medicines at the end of the month." Hunter, in his Journal, p. 561, says:—"Forty-two convicts died in the month of November, and in these people nature seemed fairly to be worn out; many of them were so thoroughly exhausted that they expired without a groan, and apparently without any kind of pain." Referring to the number of convicts returned as sick, Hunter says that one hundred might be added to the Parramatta list, for there was that number of men who were "so weak that they could not be put to any kind of labour, not even to that of pulling grass for thatching the huts."

† See the case of the Boddingtons, ante, p. 67.

‡ The proceedings in this case will be found printed at length in the Historical Records, vol. ii, p. 453.

§ Of the Queen and Active, Collins says (vol. i, p. 179):—"These ships had been unhealthy, and had buried several convicts in their passage. The sick which they brought in were landed immediately; and many of those who remained, and were so ill as to require medical assistance, were brought on shore in an emaciated and feeble condition, particularly the convicts from the Active. They in general complained of not having received the allowance intended for them; but their emaciated appearance was to be ascribed as much to confinement as to any other cause."

‖ Collins, vol. i, p. 210.

Phillip, on 19th March, 1792, wrote to Dundas :— 1792

"I am very sorry to say that most of the convicts who were received by the last ships still continue in the same debilitated state in which they were landed, and of whom, in less than seven months, two hundred and eighty-eight men have died. In the seven months prior to the arrival of those ships the deaths were nineteen. The returns of sick this day is—civil and military, eighteen; male convicts, three hundred and ninety-four; and females, seventeen."*

Even then the extent of the mischief had not been realised. The sick convicts continued to droop and die, and by the end of the year, according to Collins, the death-roll had risen to four hundred and thirty-six, most of whom arrived by the Third Fleet. It is apparent, therefore, that of those who landed sick from the transports comparatively few recovered. Phillip's despatch shows that most of the sick convicts referred to in the return of 19th March were those who arrived in the vessels of the Third Fleet, but the number cannot be stated with exactness. Increase of death-roll.

The mortality which took place among these people is the more conspicuous from the fact that the losses by death in the other classes of the community were small. Nearly everyone who wrote about the colony at that time, from the Governor downwards, spoke well of the climate; and although they had to live upon food that was generally insufficient in quantity and inferior in quality, there was little sickness or death among the free population. Not due to climatic causes.

One feature of the case, regarded by Collins as peculiar, is not perhaps so strange as it appeared to him. He noticed that many of the sick convicts, instead of gaining health and strength after exchanging the pestiferous atmosphere of the transports for the pure air of Sydney and Parramatta, were attacked by complaints of a dysenteric character, which caused the death of the weak, and from which the stronger recovered with difficulty.† He was disposed to attribute A medical problem.

* Historical Records, vol. i, part 2, p. 596.

† "There were at this time not less than seventy persons from the Matilda and Atlantic under medical treatment, being weak, emaciated, and unfit for

1792 the cause to "change of water," but while this may have been an element in the case, it is not probable that it was the chief cause of the great destruction of life that took place. The most reasonable supposition is that the systems of the men were so reduced by the sufferings they had endured during the voyage that they were peculiarly liable to disease, and incapable of resisting ailments which, under other circumstances, they might have thrown off. If the "change of water" had been the cause of the complaints from which they suffered and died, it is not likely that the military and civilians who came out in the transports and the man-of-war Gorgon would have escaped. The more the circumstances are considered the stronger becomes the conviction that the ill-health and loss of life that occurred among the convicts of the Third Fleet after their arrival was mainly caused by the treatment they received on board the ships.

Enfeebled constitutions.

Result of cruelty on voyage.

Phillip's representations to the British Government concerning the treatment which the convicts had met with on board some of the vessels of the Third Fleet, although they might very well have been conveyed in stronger language, were not without effect. They were strengthened by the report of the magisterial inquiry which had been held in the case of the Queen, transport. Dundas, in a despatch of 15th May, 1792,* said he should take care that when the persons concerned in this case returned to England justice should be done; and he informed Phillip that it was proposed in the future to employ, both for the transport of convicts and stores, vessels in the service of the East India Company, and he trusted that "by this means the evils which have hitherto subsisted will be put an end to."

Culprits to be brought to trial.

any kind of labour, and the list was increasing. It might have been supposed that on changing from the unwholesome air of a ship's between-decks to the pure air of this country, the weak would have gathered strength; but it had been observed that in general soon after landing, the convicts were affected with dysenteric complaints, perhaps caused by the change of water, many dying, and others who had strength to overcome the disease recovering from it but slowly."—Collins, vol. i, pp. 174, 175.

* Historical Records, vol. i, part 2, p. 623.

1791

The ill-treatment of the convicts on board the transports of the Third Fleet was not the only ground of complaint against the masters and owners. Notwithstanding the fact that the vessels had been chartered at so much per ton for the conveyance of convicts and stores, a part of the space which should have been occupied by convicts or utilised for the stowage of stores was fraudulently taken up by the owners with merchandise which could be exchanged in China or India for a return cargo. Lieutenant-Governor King, who was returning to Sydney in the Gorgon, was the first to report the fact. Writing on the 29th July, 1791,* from the Cape, where the transports had put in, he told Nepean :—

Mercenary shipowners.

"I am credibly informed that each transport has upwards of 200 tons of iron, copper, and lead in them, besides other articles. I hope Governor Phillip can seize it, as so much more beef and pork would be acceptable to the colony."

King did not say where he got his information from, but it was accurate, so far at least as four of the transports were concerned. On his arrival in Sydney he communicated what he had learned to Phillip, who inquired into the matter, and found that the Admiral Barrington, Albemarle, Active, and Queen "had on board a very considerable quantity of copper, lead, iron, and cordage." From Phillip's letter to Grenville of 8th November, 1791, it appears that the masters acknowledged the fact; their excuse being that it was known before they sailed that the articles were on board; they had been "received publickly," and were "intended for a Portuguese settlement in India."† The story was plausible, but Phillip did not believe it, and would have confiscated the cargo, which was in point of fact contraband, but he did not think he had authority to do so.‡

Contraband goods.

Phillip had no power to seize.

The vessels, it appears, had clearances from the Custom House for copper, lead, iron, and steel, but Phillip was informed in a despatch, 15th May, 1792,§ that the articles in

* Historical Records, vol. i, part 2, p. 506. † Ib., p. 547.
‡ Phillip to Grenville, ib., p. 564. § Ib., p. 623.

1792 question had been carried out clandestinely, and were therefore to be considered as belonging to the Navy Board. While Dundas commended Phillip's caution, he told him that he should have been better satisfied if a seizure had been made.*

Home Government would have exonerated him.

Some of the transports gave trouble in another way. A part of the stores put on board the Albemarle, Active, and Queen was intended for Norfolk Island; but when the masters of those vessels arrived at Sydney they informed the Governor that the contract made by their owners with the naval authorities did not go beyond the delivery of their cargoes at Port Jackson.† They had received written instructions to this effect before they left England, and as Phillip was not in a position to dispute the point he made the best of things, and chartered the Atlantic, which took the Norfolk Island stores to that settlement. She also conveyed thither Lieutenant-Governor King and Captain Paterson, with part of a company of the New South Wales Corps. The other portion was taken by the Queen. She brought back Major Ross, who had acted as Commandant under a Commission from Phillip, and also a detachment of marines, which was relieved by Captain Paterson's company. It is stated by Collins that Assistant-Surgeon Balmain, who had been sent to relieve Mr. Considen, and the Rev. R. Johnson, who went for the purpose of performing marriages and christenings, were also taken to Norfolk Island in the Atlantic, besides a number of marine and convict settlers.‡

Stores for Norfolk Island

carried by Atlantic.

Her passengers.

Lieutenant-Governor King

Reference has been made on a previous page to the action of Lieutenant-Governor King, when returning to the

* Writing to Dundas on the 11th October, 1792, Phillip expressed regret that he had allowed the transports to go.—Historical Records, vol. i, part 2, p. 665. Frauds of this kind were put a stop to by the insertion of a clause in the contracts, by which merchandise on board the transports not properly accounted for was liable to seizure.—Dundas to Grose, 15th February, 1794. Historical Records, vol. ii, p. 118.

† When Phillip's report on the subject reached England, it was decided to insert in future contracts a clause under which cargo was to be delivered either at Port Jackson or Norfolk Island, at the Governor's discretion.—The Navy Board to Governor Phillip, 17th May, 1792. Ib., p. 469.

‡ Collins, vol. i, p. 183.

colony by the Gorgon, in procuring live stock at the Cape of Good Hope; in addition to this he also purchased a quantity of seeds and plants at the various ports at which the Gorgon touched.* From St. Jago, he wrote on the 3rd May, 1791, that he had procured at Teneriffe some fig-trees, orange-trees, and vine-cuttings. He also obtained a quantity of cotton and other seeds. At the same place he managed to secure four pairs of hand-millstones, which he regarded as a possession of no little value. Up to that time there were few implements in the colony for grinding corn; and King imagined that he was fortunate in hitting upon a place where millstones, which would keep a family of ten persons going, and last a hundred years, could be bought at 3s. 4d. a pair. The want of mills for grinding corn was mentioned frequently in the despatches sent to England by Phillip, but he did not approve of handmills. Those sent out from England were "easily rendered useless and destroyed," and to grind corn with them for a large number of people involved "great labour." He represented that windmills were an absolute necessity, and in course of time he obtained not only windmills, but millwrights to look after them, and millers to work in them.†

1791

procures useful plants and implements.

Mills and millers.

From the Cape, King wrote to Nepean on the 3rd July, 1791, to tell him that he had purchased a quantity of live stock, consisting of black cattle, sheep, and swine, for which he intended to draw bills on the Treasury.‡ This purchase is a striking example of King's energy and forethought. He knew that live stock was one of the most urgent needs of the new settlement; he knew also that while the fact was equally patent to the British Government, no effort had been made to supply the want. It must have struck him as

King's energy and forethought.

* Historical Records, vol. i, part 2, pp. 488, 492, 493, 495, 505.

† In May, 1792, an agreement was made between the Home Department and Thomas Allen, who was employed in the King's mills at Rotherhithe, under which Allen accepted service for four years as master-miller in New South Wales. His salary was £52 10s. per annum.—Ib., p. 621.

‡ For a description of the stock purchased and the fate which befel it, see post, p. 183.

1791 singular in the extreme that, while the importance of procuring live stock was dwelt upon in the despatches from England, proper steps had not been taken to profit by the voyage of the Gorgon, although she was a suitable vessel, and it was known that cattle, sheep, and swine could be procured at the Cape.* King made good the omission. Without any authority he purchased as large a quantity of stock as the Gorgon could conveniently carry—if the vessel had been differently fitted up she could have carried much more†—and succeeded in landing part of it at Sydney. He was pretty sure of his ground, but still he had some misgivings. It was not a safe thing for an officer to go beyond his instructions, and all the letters King wrote on the subject show that the responsibility he had taken pressed heavily upon him. In his first letter from the Cape, 3rd July, 1791, he assured Nepean that :—

Acting without authority.

Welfare of colony only motive.

"No other consideration than the knowledge I have of the great want of black cattle, sheep, &c., to breed from, and having every reason to suppose that it was the intention of his Majesty's ministers that stock should be transported from hence to New South Wales, could have induced me to take the unauthorised step of drawing for the payment on the Right Honourable the Lords Commissioners of his Majesty's Treasury."‡

King's justification.

Writing privately to Nepean on the same date, he said in justification of the unusual step he had taken :—"Had I not interfered in the business, the Gorgon would have gone

* Captain Parker had been informed by the Admiralty that he was to take live stock on board at the Cape, from Messrs. De Wit and Kerstan, merchants, but the necessary order from the Treasury had not been sent. See King to Nepean, Historical Records, vol. i, part 2, p. 492; also King to Stephens, 3rd July, 1791, Historical Records, vol. ii, p. 451.

† After his arrival at Sydney, King wrote to Nepean, 27th October, 1791 :—"Should a forty-gun ship be sent for the purpose of bringing cattle to this colony, I think a hundred black cattle, two hundred sheep, and a quantity of stores might be landed here very safely."—Historical Records, vol. i, part 2, p. 530. Writing to Dundas on the 19th March, 1792, Phillip said, "That if such a ship as the Gorgon was to be properly fitted in England, with only half-a-dozen guns mounted, she would be able to bring ten times more live stock than the colony has hitherto received."—Ib., 597.

‡ Ib., p. 493.

without a single head of stock, and as it is, I think she should have stowed more, but I have gone far enough to risque a censure."* The responsibility continued to weigh on his mind, for in a letter written towards the end of the month he expressed a fear that he might be "greatly censured" for the part he had taken, and begged Nepean to tell him by the first opportunity whether he had done right or wrong. 1791

The stock which caused King so much anxiety fared rather badly at sea, but nevertheless the shipment was far more successful than others had been. According to a memorandum which appears at the foot of King's letter to Nepean of the 27th October, 1791,† 28 head of cattle, 66 sheep, 11 pigs, 16 rabbits, and 20 pigeons were shipped on board the Gorgon at the Cape of Good Hope. The passage was marked by cold and rough weather, and only 19 cattle, 59 sheep, and 5 pigs (including births on the passage) were landed at Sydney. The fate of the rabbits and pigeons is left to conjecture. Live stock from the Cape.

Phillip was not placed in such a bad plight by the arrival of the Third Fleet as he had been the year before, when the Neptune, Scarborough, and Surprize came into port loaded with sick and dying men, although the number of convicts he had to provide for was twice as many. One reason was that the sick were not landed in such a deplorable state as those brought by the vessels of the Second Fleet; another was that they were not all thrown upon the colony at once, but were distributed over a period of three months. Phillip had also received longer notice, and he had learnt by experience how to meet these calls on his resources. One feature of the case that cannot fail to arrest attention is the implicit confidence which the English authorities seem to have placed in the ability of the Governor to provide accommodation at short notice for any number of Landing of convicts by the Third Fleet. Policy of the Home authorities.

* Historical Records, vol. i, part 2, p. 495. † Ib., p. 530.

1791 convicts that might be sent to the colony. When they had cleared the gaols and sent the prisoners on board the transports, their difficulties were ended.

There seems, indeed, to have been some suspicion on the part of the Home Department that an inconvenient, if not an imprudent, course was being pursued, for in the despatch of 19th February, 1791, informing Phillip of the impending departure of the Third Fleet, Grenville stated that a system was to be adopted of sending out convicts "in two embarkations in the course of each year." By this plan it was hoped that a regular intercourse between the mother country and the settlements in Australia would be kept up, and inconvenience from the "accidental failure" of supplies prevented.* Phillip, in replying to this despatch, expressed gratification that a system which promised so well was to be adopted. But the expectation was not realised, and for many years afterwards the colony suffered from the want of regular supplies.

Half-yearly transportation scheme.

Irregular supplies.

When Phillip received Grenville's despatch of 19th February, 1791, he had less than three months in which to prepare for the reception of over two thousand criminals. Owing to the numerous deaths on board the transports, the actual number to be provided for was 1,863; and this large influx of population severely taxed the resources of the settlement. The sick, of whom there were upwards of five hundred, were placed in the hospitals; those who were capable of work, no matter in what degree, were sent to Parramatta and the neighbourhood, where the cultivation of the soil was proceeding. It was impossible to provide houses for the whole of these convicts by the time they arrived, so Phillip erected two large buildings, thatched

Accommodation for new arrivals.

* Grenville to Phillip, Historical Records, vol. i, part 2, p. 458. "With great satisfaction we heard, that from our Government having adopted a system of sending out convicts at two embarkations in every year, at which time provisions were also to be sent, it was not probable that we should again experience the misery and want with which we had been but too well acquainted, from not having had any regular mode of supply."—Collins, vol. i, p. 168.

with grass, which afforded shelter from the weather, but nothing more.* The accommodation was, of course, only temporary; but the fact that such a plan had to be adopted shows to what expedients Phillip was driven, in order to provide for the large additional population suddenly thrust upon him. 1791

Although eleven ships, including the Gorgon, had arrived in the course of a few months, the colony was still badly supplied with provisions. After the arrival of the Matilda, the second vessel of the Third Fleet, on 1st August, 1791, the allowance of flour was increased; and on the 27th, the Atlantic and Salamander having arrived, the full ration was issued, after being suspended for twenty-one weeks.† The whole of the fleet, ten sail in all, as well as the warship Gorgon, had arrived by the middle of October, and yet we find Phillip reporting to Nepean only a month later (18th November) "we are again at a reduced ration."‡ It may appear strange that a reduction in the ration should have become necessary so soon after the arrival of the ships, but the fact is easily explained. The small amount of provisions they carried was out of proportion to the large increase they made in the population.§

Full ration restored

for a time only.

Inadequate supplies.

* "At Parramatta the only accommodation which the shortness of the notice admitted of being provided for the people who were on their passage was got up. Two tent-huts, one hundred feet long, thatched with grass, were erected; and independent of the risk which the occupiers might run from fire, they would afford good and comfortable shelter from the weather."—Collins, vol. i, p. 172.

† Ib., p. 174.

‡ Historical Records, vol. i, part 2, p. 557. "About the middle of the month [November] an alteration took place in the ration; two pounds of flour were taken off, and one pint of pease and one pint of oatmeal were issued in their stead; the full ration, which was first served on the 27th August last, having been continued not quite three months."—Collins, vol. i, p. 188. According to the same authority, another pound of flour was taken off the ration at the end of December.

§ Historical Records, vol. i, part 2, p. 533. "The quantity of provisions received by these ships being calculated for the numbers on board of each for nine months only after their arrival, and as, so large a body of convicts having been sent out, it was not probable that we should soon receive another supply, the Governor judged it expedient to send one of the transports to Bengal, to procure provisions for the colony; for which purpose he hired the Atlantic, at fifteen shillings and sixpence per ton per month."—Collins, vol. i, p. 183.

1790 The wreck of the Sirius at Norfolk Island, in March, 1790, now left the settlement (the population of which had been largely increased by the convicts of the Third Fleet) with only one King's ship—the small armed tender Supply—rigged as a brig. Both for the proper protection of the settlement and the examination of the coast, Phillip thought that :—

Two Colonial vessels necessary.

"The colony should never be without two ships; and I feel it my duty to say that I think no ships can with safety be employed on this station unless they are King's ships, that is, ships having commission, warrant, and petty officers on board them; and I think that more than one commissioned officer should be on board such ships."*

Services to be performed.

There was considerable force in what Phillip urged. Having regard to the circumstances—the lawless character of the bulk of the population; the state of the harbour at times, where numerous transports, commanded in many cases by unscrupulous masters, and manned by disorderly seamen, were lying within easy distance of the shore—the presence of one man-of-war, if not two, was a necessary precaution; but the matter does not appear to have presented itself to the British Government in that light. Phillip's strong representations on the subject, however, would probably have led to the appointment of at least one war-vessel to the station, but for the circumstances in which

The request deferred.

the Government was placed. By the time his despatch reached England war with France was imminent, and it may readily be understood that the Admiralty felt disinclined to part with any of its war-ships for service at the out-of-the-way settlement of New South Wales. Phillip had expected that a vessel would be sent out to take the place of the Sirius, but in this he was disappointed. The Gorgon might reasonably have been expected to remain at the settlement pending some arrangement; but after her departure in December, 1791, the station was without a

* Historical Records, vol. i, part 2, pp. 534, 554, 648.

man-of-war until the 26th August, 1795, when H.M.S. Providence arrived, followed, on the 7th September, by the Reliance and the Supply, two men-of-war, which had been purchased and fitted specially for the settlement. 1791 Arrival of two vessels.

The scarcity of boats was felt even more than the want of ships. Writing to Grenville on the 5th November, 1791, Phillip stated that the only boat available for his journeys between Sydney and Parramatta was one that he could not go out of the harbour in. The boats capable of exploring the coast, which he would have gladly employed in services of that kind, had been laid up for many months.* No doubt Phillip would have kept these boats in repair if he had been able to do so, but he had no boat-builders or shipwrights at his disposal. The position was slightly improved at the beginning of the following year, the Pitt having brought out a small vessel in frame. But Phillip was not certain that he should be able to set her up, for there were only three or four ordinary shipwrights available, and he was led to express his regret "that one or two good shipwrights" had not been sent out. Even when the vessel had been set up she must remain "until proper people can be found to man her." Boats required. No boat-builders. Small vessel sent out in frame.

It was not until the 24th July, 1793, that the Francis, for so the little craft was called,† was put in the water—the first vessel launched in Australia. She is described by Collins as a sloop of forty-one tons, but she was turned into a schooner because that rig was considered safer. It was found afterwards that a mistake had been made. She sailed badly, and had to be remasted. The launching of the little vessel would have been delayed still longer but for an accident which placed the services of a capable shipwright at the disposal of the colony.‡ When she was equipped, Grose gave the The Francis, first vessel launched.

* Historical Records, vol. i, part 2, p. 534.

† "In compliment to the Lieutenant-Governor's son."—Collins, vol. i, p. 301.

‡ "A person who came out to this country in the capacity of a carpenter's mate on board the Sirius, and who had been discharged from that ship's books into the Supply, having been left behind when that vessel sailed for England,

1792 command to Mr. William House, boatswain of the Discovery,
Her captain. who had been sent by Vancouver to Sydney for the purpose of being forwarded to England as an invalid, but had recovered from his illness. As soon as she could be got ready, Grose despatched the Francis to Dusky Bay, New Zealand, "in order to ascertain how far that place, which I understand possesses all the advantages of Norfolk Island, with the addition of a safe harbour and seal fishery, may tend to the benefit of his Majesty's service, as connected with
A useful craft. these settlements." The Francis afterwards did good work in exploring the New South Wales coast, and proved of infinite service to the colony.

offered his services to put together the vessel that arrived in frame in the Pitt; and being deemed sufficiently qualified as a shipwright, he was engaged at two shillings per diem and his provisions to set her up. The keel was accordingly laid down on blocks placed for the purpose near the landing-place on the east side."—Collins, vol. i, pp. 203, 204.

EMANCIPATION.

1787

When preparing the Governor's Commission and Instructions (the two documents from which Phillip derived his very extensive powers), a novel point of law presented itself to the authorities. For many years it had been the custom to empower the Governors or proprietors of Colonial possessions in America and elsewhere to exercise the royal prerogative of pardon in regard to offences committed within the limits of their own territories. Phillip, however, had asked for more than this power. When submitting a number of suggestions to the Secretary of State for the guidance of the officials in drawing up his Instructions, he requested that he should be empowered to emancipate deserving convicts; that is to say, that he should have authority to pardon convicts for offences committed in Great Britain. This was, from the peculiar circumstances of the settlement, a very necessary power; but it was one which could not be delegated to Phillip by the Crown without statutory authority,* the prerogative of pardoning "any kyndes of felonnyes . . . comytted in any parties of this realme" being vested in the Crown alone, by 27 Henry VIII, c. 24. For this reason we find that Phillip's Commission contained a clause which conveyed no greater powers than did the Commissions of Governors of free settlements. The clause in question was evidently intended to apply only to sentences passed by Colonial tribunals. It ran as follows:—

The power to pardon

for offences committed in Great Britain.

An incommunicable prerogative.

"And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or

* Chitty's Prerogatives of the Crown, pp. 88-103.

1787 offenders in criminal matters or for any fine or fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders untill and to the intent our royal pleasure may be known therein."*

Governor can only pardon local offenders.

It will be noticed that the persons pointed to as fit objects of clemency are not "convicts," but "offenders"; and the words which follow, especially when they are read in connection with that portion of the clause which relates to reprieves, plainly indicate that it was not the emancipation of convicts that was contemplated. In order to enable Phillip to do this, it was necessary to pass a short Act empowering the King to delegate his prerogative in the cases of convicts sentenced in England, and then to issue a Commission to Phillip under the Great Seal of Great Britain authorising him to act. In fact, such a Commission was anticipated in his Instructions; but in the original the date was omitted. The clause ran as follows:—

Phillip's instructions.

"And whereas we have by our Commission bearing date——————given and granted unto you full power and authority to emancipate and discharge from their servitude any of the convicts under your superintendence who shall from their good conduct and a disposition to industry be deserving of favour: It is our will and pleasure that in every such case you do issue your warrant to the Surveyor of Lands to make surveys of and mark out in lots such lands upon the said territory as may be necessary for their use."†

The remainder of the clause has reference to land grants.

Before an Act could be passed and a Commission made out the Fleet had sailed; Parliament went into recess a few weeks afterwards, and did not reassemble until six months had elapsed. No opportunity was, at the time, expected to occur of communicating with Phillip for many months; and it was not until May, 1790 (three years after his departure), that

* Historical Records, vol. i, part 2, p. 63. † Ib., p. 90.

the Act 30 Geo. III, c. 47, entitled, "An Act for enabling his Majesty to authorise his Governor or Lieutenant-Governor of such places beyond the seas to which felons or other offenders may be transported to remit the sentences of such offenders," was passed. This will account for the blank in Phillip's Instructions not being filled in before the fleet sailed. The text of the Act is given in Appendix D. It gave the Governor or Lieutenant-Governor, for the time being, power to remit, absolutely or conditionally, the whole or any part of the term for which any convict had been transported. It required the pardon to be made in writing under the seal of the territory, and a duplicate, also under seal, to be forwarded to England for insertion in the next General Pardon which passed under the Great Seal. During the interval which elapsed between the grant by the Governor and the confirmation by the Crown, the emancipated convict was in the position of one who had received a pardon under the Royal Sign-Manual; that is to say, he was discharged from the necessity of servitude, but could not claim the restitution of his civil rights, which had been forfeited by attainder for felony.

1790

An Enabling Act passed.

Mode of procedure.

Legal effect of pardon.

For many years the full import of this distinction was not recognised. It was generally considered in the colony that the legal effect both of absolute and conditional pardons conferred by the Governor of New South Wales was to restore to the parties all the privileges of free subjects.* In fact, even as late as 1818, Mr. Justice Field, in giving judgment in the case of Doe *d.* Jenkins *v.* Pearce and wife, declared that "the King's or Governor's absolute pardon would, of course, restore him (a felon attaint) to his competency."† Considerable consternation was therefore created when it became known that the Court of King's Bench had ruled in the case of Bullock *v.* Dodds‡ that the

False interpretation of the Act.

* Bigge's Report, p. 131.

† See the report of this case in the *Sydney Gazette* of 29th August, 1818, written (according to Mr. Commissioner Bigge) by Mr. Justice Field himself.

‡ Barnewall and Alderson's Reports, vol. ii, p. 258.

1791. extinction of the civil rights which followed upon attainder for felony not being removed by a pardon under the sign-manual, and the remission of a convict's sentence by the Governor of New South Wales having no more effect than such a pardon, it followed that until the name of the party was included in a General Pardon under the Great Seal of the Kingdom he was still, in the eye of the law, *civiliter mortuus*. In the cause under notice this had not been done, and the plaintiff, although he had, shortly after landing in the colony, been emancipated by the Governor, was unable to recover on a bill of exchange because he could not show that the act of the Governor had been confirmed by an instrument under the Great Seal of Great Britain. Bullock's case does not appear to have been an exception. Mr. Commissioner Bigge, in his report (May, 1822), stated that the direction contained in 30 Geo. III, c. 47—that duplicates of pardons granted by the Governor should be forwarded to England for insertion in the next General Pardon which passed under the Great Seal—"had never been literally complied with in New South Wales."*

Deprivation of civil rights.

Confirmation by Crown required.

Phillip's illegal emancipations.

The Special Commission empowering Phillip to emancipate convicts was received by the Gorgon in September, 1791; but Phillip had anticipated it. Writing on the 5th March, 1791, seven months before he received this Commission, he informed Grenville that he had emancipated two convicts—"one from his very meritorious behaviour and the great service he has rendered the colony by his own labour, and by instructing others, in the business of a bricklayer."† The other was particularly recommended by the Lieutenant-Governor as having been the means of saving the Sirius from being burned after that ship went

* Bigge's Report, p. 132.

† This man, according to Collins (vol. i, p. 140), was emancipated in October, 1790. He was "at liberty to return to England," but he agreed to work for two years more in return for food and clothing. The same writer says of this man:—"There was not a single house or building that did not owe something to him."

on shore."* In so acting Phillip exceeded his powers, and the men were illegally at large. After the receipt of the Commission empowering him to emancipate, Phillip reported (5th November, 1791) that he had freed another convict. This person had been "bred to surgery," and was employed as an assistant to the surgeons. He was made a free man because of his "exemplary conduct."† In the case of the convict who was emancipated because at considerable personal risk he had saved the wreck of the Sirius from destruction by fire, the act of grace was redundant. Shortly after the warrant giving the man his freedom had been executed it was discovered that "his term of transportation had expired prior to his emancipation." The fact, however, was not discovered until he had left for India in the Atlantic, as an "emancipated" convict.‡

1791

John Irving.

The remission of sentence, or emancipation, which the Governor was empowered to grant was a conditional one. It is apparent from Phillip's original Commission and Instructions that emancipation was to be granted with a view to turning the well-disposed convicts into settlers, and so promoting the cultivation of the country. In the Instructions which accompanied the Special Commission authorising the Governor to remit sentences, Phillip was directed to insert in the instrument granting the remission "a special condition that such felon or offender shall not return within any part of our Kingdom of Great Britain and Ireland during the term or time which shall thus remain unexpired of his or her original sentence or order of transportation, on pain that the remission so to him or her granted shall in such cases be wholly null and void." This was an irksome condition. It meant not only that the emancipist who returned to his native country before the

Emancipation conditional

on residence in the colony.

* Historical Records, vol. i, part 2, p. 472.

† Collins (vol. i, p. 99) mentions this man, John Irving; he was emancipated and sent to Norfolk Island in March, 1790, to "act as an assistant to the medical gentlemen there."

‡ Historical Records, vol. i, part 2, p. 535.

1791 term of his original sentence had expired forfeited his emancipation, and might be sent back to finish his punishment, but that he placed his life in jeopardy. According to the law at that time, a convict who returned from the place of transportation to Great Britain or Ireland before the term of his sentence had expired was guilty of a capital offence, on proof of which he was liable to the punishment of death. Emancipation as granted under these Instructions was not therefore perfect liberty. The emancipist, if he remained in New South Wales, was a free man. He might labour for his own profit instead of for the advantage of the State, or seek his fortune in any colony or in a foreign State; but if he returned to the land of his birth he did so at his peril.*

Legal effect of the condition.

Desire of the convicts to return to England.

The desire of most of the convicts transported from the United Kingdom was to return to the country from which they had been banished, and some of them, in their eagerness to get back, paid no heed to the danger into which they ran, and were punished for their temerity. It was the established policy of the British Government to keep convicts from returning, whether they had served their sentences or not. According to the view then held at Sydney Cove as to the effect of a sentence of transportation, it was doubtful whether convicts would be able to return to the places from which they had been despatched even when their sentences expired. In one of his early letters to Nepean, 9th July, 1788,† Phillip said that those whose sentences would soon expire intended to "apply for permission to return to England," but, he added, that until instructions had been received from the Government none would be allowed to leave the settlement. He expressed the opinion, however, that if "the most abandoned and useless" were permitted, on the expiration of their sentences,

Discouraged by the authorities.

* A similar condition was imposed in the case of the convicts who were "pardoned" for their services in connection with the wreck of the Guardian. —Ante, p. 44.

† Historical Records, vol. i, part 2, p. 154.

to go to China, it would be a great advantage to the settlement. From this it would seem that the impression on Phillip's mind was that when once a criminal had been transported, no matter for what term, he was practically banished from the mother country for the rest of his life, unless the authorities in England chose to allow him to return. 1791

Convict expirees practically life exiles.

Nothing seems to have been done to rectify this wrong until King's arrival in England, in 1790, with despatches from the colony. We find him writing to Nepean from 18, Craven-street, on the 1st February, 1791,* to say that he was ignorant whether Phillip, in his despatches of which he was the bearer, had mentioned:—

"The great inconvenience that will attend the vast number of convicts who say the term of their transportation is expired. It is needless for me to say that those who can get a passage expect leave to quit the colony. On this head Governor Phillip desired I would speak to you."

King's interest in the matter.

On the 5th March, 1791,† Phillip wrote to say that there were a number of convicts who said that their sentences were expired and wanted to return to England, and he begged for instructions. A few weeks after King had communicated with Nepean, Grenville wrote a despatch‡ informing Phillip that the return to England of convicts whose sentences had expired "could not legally be prevented," but stated that it was extremely desirable that "every reasonable indulgence should be held out" to persons of this class to remain in New South Wales, and adding that "it should be distinctly understood that no steps are likely to be taken by Government for facilitating their return." But although the British Government did everything it possibly could to keep the convicts in the country to which they had been sent, many of them returned to England, Ireland, or Scotland, as soon as they were in a position to do so, and many others would have

Views of the Home authorities.

Many return to Great Britain.

* Historical Records, vol. i, part 2, p. 433.
† Ib., p. 472. ‡ Ib., p. 460.

1791 returned if they could. Life in the colony, even with the advantages that were to be gained from a free grant of land and the means of subsistence for eighteen months, was to the minds of most of them an uninviting prospect.

Working their passages.

Although there were at this time many vessels returning to England, it is probable that if the discharged convicts had been obliged to pay for their passages very few of them would have been able to leave the colony. The transports, however, were frequently in need of hands, and men who could work were taken to England in exchange for their services during the voyage. As soon as it was known in Sydney that there was no legal obstacle to the return to England of convicts who had served their time, advantage was taken of whatever opportunities presented themselves; and a few months after Phillip received Grenville's despatch informing him that expirees could not be kept in the colony against their will, it became his duty to send to the Home Department "a list of those convicts whose times being expired have left the settlement in the different transports."* On the 16th December, 1791, he wrote to Grenville transmitting the duplicates of four warrants of emancipation under the seal of the colony.†

Warrants of emancipation.

The forms of absolute and conditional pardons will be found in Appendices E and F. In later years a third class of pardon, known as the Ticket-of-Leave, was introduced; the form, for purposes of comparison, is given in Appendix G.

* Historical Records, vol. i, part 2, p. 565.
† Ib., p. 566.

THE NATIVES.

1791-2

THE admirable spirit displayed by Phillip in his dealings with the natives during the three years following his landing has been alluded to in a previous vol.* During the latter part of 1791 and the beginning of 1792 the relations between the natives and the new-comers did not improve. Phillip steadily adhered to the amicable policy outlined in his Instructions, but his efforts to bring about a good understanding between the two races were constantly frustrated. It may be said, however, that, with very few exceptions, the white man, if not immediately to blame, was the original aggressor. The natives could appreciate kind treatment, and were very friendly with those who won their confidence, but they resented any injury, no matter how slight it might be; and as the aboriginals' code of honour taught them to avenge any wrong, grave or otherwise, with blood, tragic consequences sometimes followed from small causes, and the injured natives had to be punished for taking the law into their own hands. But, as a rule, Phillip refrained from making any reprisals whenever he found that the natives had acted from a misconception of the motives of the settlers, or had been provoked by them. One case is particularly worthy of mention. In September, 1790, he was seriously wounded at Manly by a native whom he had approached in a friendly manner; but, knowing that the savage had misconstrued the overture, he took no steps to punish the offender, but rather endeavoured to have his

Phillip and the natives.

Amicable policy.

Natives' code of honour.

Phillip speared by a native.

* Vol. i, pp. 119-133.

1790 pacific intentions explained.* The reasoning of the native was very natural. Phillip had caused several of them to be captured, and when he advanced with outstretched hands to the one with whom he wished to make friends, it was not strange that his object should have been misinterpreted.

Bennilong

It happened that Bennilong, one of the captured natives, who had escaped a few weeks before, was among the natives at the time, and it was probably owing to his representations, as well as to the judicious conduct of the Governor, that good instead of harm came of the encounter. While Phillip was recovering from his wound, Bennilong was induced to return to the settlement as a visitor. He brought three other natives with him, and was so pleased with his reception that he took up his residence at Sydney, in a hut built for him at the eastern point of the cove. This point, on which Fort Macquarie now stands, was until recent years known as Bennilong Point.†

resides at Sydney.

Establishment of amicable relations.

Bennilong's return led to the establishment of amicable relations with the native tribes. One instance of the friendliness of the blacks is specially noticed by Collins. A small boat belonging to the chief surgeon, Mr. White, was taken by five convicts to fish in the harbour, and was lost with all hands near Middle Head. Portions of the boat were washed ashore, and were found by the natives, who, instead of appropriating them, placed them in positions from which they might easily be seen from boats passing up and down the harbour.‡

* See Vol. i, p. 124; Historical Records, vol. ii, p. 503.

† "Bennilong, after appointing several days to visit the Governor, came at last, on the 8th [October, 1790], attended by three of his companions. The welcome reception they met with from everyone who saw them inspired the strangers with such a confidence in us that the visit was soon repeated; and at length Bennilong solicited the Governor to build him a hut at the extremity of the eastern point of the cove. This, the Governor, who was very desirous of preserving the friendly intercourse which seemed to have taken place, readily promised, and gave the necessary directions for its being built."—Collins, vol. i, p. 137.

‡ "The first information that any accident had happened was given by the natives, who had secured the rudder, mast, an oar, and other parts of the

1791

The foundation of a good understanding with the natives appeared to have been laid, but the promise was illusory. Although they looked sharply after their own possessions, they could not be brought to respect the right of property claimed by the new-comers in the products of the soil. Some of the articles of food used by the whites they would not eat—notably bread, but they were very fond of potatoes, which they stole from the fields. In a settlement where starvation was always a possible calamity, the preservation of the crops was a matter of life and death, and there being no other effective way of stopping depredations in the potato-fields, parties of soldiers were sent out to disperse the thieves. The natives, thinking perhaps that they had a right to the produce of the grounds they had occupied from time immemorial,* offered resistance. A party of soldiers having made a demonstration in one of the fields, a club was thrown. The reply was a discharge of firearms, which caused the precipitate retreat of the blacks. One of them was fatally wounded, and his body was found a few days afterwards, disposed for burial. The circumstances of this affair are related by Collins, who lamented that such severe measures for the protection of the crops had become necessary.†

Rights of ownership.

Resumption of hostilities.

A native killed.

boat, which they had fixed in such situations as were likely to render them conspicuous to any boat passing that way. Mr. White and some other gentlemen, going down directly, found their information too true. One of the bodies was lying dead on the beach. With the assistance of Cole-be and the other natives he recovered the seine, which was entangled in the rocks, and brought away the parts of his boat which they had secured."—Collins, vol. i, p. 141.

* See Vol. i, p. 125.

† "It was much to be regretted that any necessity existed for adopting these sanguinary punishments, and that we had not yet been able to reconcile the natives to the deprivation of those parts of this harbour which we occupied. While they entertained the idea of our having dispossessed them of their residences, they must always consider us as enemies; and upon this principle they made a point of attacking the white people whenever opportunity and safety concurred. It was also, unfortunately, found that our knowledge of their language consisted at this time of only a few terms for such things as, being visible, could not well be mistaken; but no one had yet attained words enough to convey an idea in connected terms. It was also conceived by some among us, that those natives who came occasionally into the town did not desire that any of the other tribes should participate in the enjoyment of the few trifles they procured from us. If this were true, it

1791

Convicts and natives.

Notwithstanding this unfortunate incident, it was not long before friendly relations with the natives were re-established; but they were broken off again very soon, by an act of wanton mischief on the part of some of the convicts. Several of the natives were accustomed to sell or exchange fish among the people at Parramatta, and in a settlement where fresh animal food was almost an unknown thing this was a great advantage. While one of these natives, named Ballooderry, was disposing of the fish he had caught, his canoe, which he had endeavoured to hide, was discovered by six convicts, who destroyed it. Ballooderry was greatly enraged at this, and "threatened to take his own revenge, and in his own way, upon all white people." With the object of pacifying him, and showing him that it was intended to treat him and his people with justice, the convicts who had destroyed the canoe were found and punished. Ballooderry was even led to believe that one of them had been hanged. But this did not satisfy the wrath of the savage. According to aboriginal law, a man who had been injured must take personal vengeance, and the only way in which he could do so was by shedding some one's blood, no matter whose, provided that the victim was of the same tribe or race as the person who had inflicted the wrong. Ballooderry watched for an opportunity, and coming upon a convict who had strayed from Parramatta into the bush, attacked and wounded him with a spear. Instead of trying to capture and punish Ballooderry, Phillip simply forbade him to appear again at any of the settlements. The result was that "the other natives, his friends, being alarmed, Parramatta was seldom visited by any of them, and all commerce with them was destroyed."*

A wanton act.

Convicts punished.

A native's revenge.

Origin of the misunderstandings.

This occurrence serves to show how many of the misunderstandings between the natives and the white popula-

would for a long time retard the general understanding of our friendly intentions toward them; and it was not improbable but that they might for the same reason represent us in every unfavourable light they could imagine."—Collins, vol. i, p. 147.

*Ib., p. 166.

tion, ending frequently in loss of life, arose. The convicts stole the natives' nets and spears or destroyed their canoes; the blacks, in return, speared the white men whenever they could do so with safety. According to Phillip, whose knowledge of the circumstances must be regarded as accurate, the convicts were, with few exceptions, the aggressors. When two men were killed by natives at Rushcutters' Bay, soon after the foundation of the settlement, he refused to take any measures to punish the murderers, because he was convinced that they had killed the convicts "in their own defence, or in defending their canoes."* Many convicts were killed and wounded after this in Phillip's time, and, according to his despatches, these outrages were nearly always committed in revenge for injuries done to the natives by the convicts. On the 12th February, 1790, a year before the destruction of Ballooderry's canoe, Phillip reported to the Home Department that one convict had been killed and ten wounded since November, 1788. He explained that it was "impossible to prevent the convicts from straggling, and the natives, having been robbed and illtreated, now attack those they meet unarmed." In other words, they took revenge for the injuries they had received at the hands of the white man, according to aboriginal custom and precedent.

1791

Case of the rush-cutters.

Convicts the aggressors.

Reprisals by the natives.

The quarrel with Ballooderry and his friends did a great deal of harm. It not only deprived the settlement of the advantages that were gained from an interchange of commodities with the natives—it estranged the people, and caused them to assume a more hostile attitude than they had taken up before. Soon after Ballooderry had been warned not to approach the settlements, an attack was made upon a settler at Prospect Hill, and it was this, according to Collins, that compelled Phillip to depart from his instructions as to the disposition of the land, and place settlers on contiguous lots, instead of separating them by areas of land reserved

Strained relations.

* Historical Records, vol. i, part 2, pp. 148, 167, 171; vol. ii, p. 690.

1791 for the Crown.* The unfriendly relations between the two races continued. In the following year some natives were discovered in the act of robbing a hut. They were fired at with a shot-gun, and one of them was wounded. A few days afterwards a convict, when walking from Parramatta to Prospect Hill, was set upon and killed; his body bore no less than thirty spear-wounds. It was obvious that this murder was an act of revenge, and the friendly natives declared it to be so. Worse things happened in later years, one act of violence leading to another. If Phillip's policy had been loyally followed by the white population, the natives might have been of infinite service to the settlement in the early days; instead of which they became an annoyance and a danger.

A convict speared.

* Ante, p. 132. "In the beginning of the month [August, 1791] information was received that a much larger party of the natives than had yet been seen assembled at any one time had destroyed a hut belonging to a settler at Prospect Hill, who would have been murdered by them, but for the timely and accidental appearance of another settler with a musquet. There was no doubt of the hut having been destroyed, and by natives, though perhaps their numbers were much exaggerated; the Governor, therefore, determined to place other settlers upon the allotments which had been reserved for the Crown; by which means assistance in similar or other accidents would be more ready."—Collins, vol. i, p. 173.

PHILLIP AND DAWES.

1791

In the despatch containing Grenville's final instructions* concerning the recall of Ross's detachment of marines, one officer was singled out for special mention as likely to be of peculiar service to the colony, and authority was given to Phillip, in case he had not placed him in charge of the auxiliary company of the New South Wales Corps, to retain him on the footing of a lieutenant of engineers. This officer was Lieutenant William Dawes, to whose services reference has been made in a previous vol.† Shortly after the despatch referred to was written, and before Phillip received it, a disagreement had, however, arisen between him and Lieutenant Dawes which rendered the retention of the latter impossible. Phillip would doubtless, in keeping with his established policy of ignoring the petty annoyances to which he was constantly subjected, have made no mention of the dispute in his despatches, but it became necessary for him to explain why he had refrained from giving effect to Grenville's wishes concerning Lieutenant Dawes. The circumstances of the principal cause of dispute had occurred in December, 1790. In November, 1791,‡ Phillip, in replying to Grenville, informed him that his charges were three in number:—1. That Lieutenant Dawes had purchased rations from convicts contrary to the General Orders; 2. That he had refused to do duty; 3. That he had been guilty

Recall of the marines.

Lieutenant Dawes to be retained.

His quarrel with Phillip.

Phillip's charges.

* Historical Records, vol. i, part 2, p. 415.
† Vol. i, p. 154.
‡ Historical Records, vol. i, part 2, p. 543.

1791 of unofficerlike behaviour to the Governor. The first charge was not a light one; traffic in convicts' rations had caused serious trouble in the settlement. The men made a practice, as Phillip explains, of putting together their rations of flour, and obtaining in exchange spirits and tobacco. The terms were ten pounds of flour for a bottle of rum, and thirty pounds of flour for a pound of tobacco. Those who parted with their flour for spirits and tobacco were pinched with hunger. The full allowance of food was insufficient,* and convicts could not afford to give up a single ounce much less the whole of their flour, which was the main part of the ration. The natural result followed—those convicts who had deprived themselves of their ration of flour stole from the others and from the military. Robberies became frequent. The nature of the evil, and the measures that were taken to prevent it, may be seen from the stringent order issued on the 11th February, 1791,† in which, after pointing out that every individual was concerned in putting a stop to "a practice which distresses the honest and industrious, whose gardens are robbed and provisions stolen by those who sell their rations," a reward of thirty pounds of flour was offered for the discovery of any person who should "on any consideration whatever" purchase or receive provisions from a convict.

Purchasing rations from convicts.

Evil consequences of the practice.

A reward offered.

Phillip very properly looked to the civil and military officers for assistance in carrying out this order, and if any one of them, instead of helping to maintain the regulation, took part in the traffic which had been prohibited, he was guilty of a serious breach of duty. Lieutenant Dawes was so accused. As the facts of the case are only partly revealed, the degree of his culpability cannot be accurately measured. According to his account, dated 6th November, 1791, if he offended at all, it was in breaking the letter, not the spirit, of the regulation. He admitted having purchased

Lieutenant Dawes's explanation.

* Phillip says that "every man could eat his ration," and that few of the convicts were satisfied with the quantity of food they received.

† Historical Records, vol. i, part 2, p. 450.

provisions from a convict, but he denied that they were rations in the sense in which the term was used in the order. The convict in question was "baker to the garrison," and it was known, Lieutenant Dawes asserted, to all the officers that the man received a weekly allowance of flour "as the just perquisite of his business, which I therefore presumed became his own property, and as such was deemed by everyone to be entirely at his own disposal." He denied that he had ever purchased from any of the convicts any article of their ration. Phillip forwarded Dawes's statement to Lord Grenville, with a memorandum in which he stated that he could not admit that Lieutenant Dawes had never purchased rations from convicts. Major Ross had, he alleged, been requested (presumably by Phillip himself) to point out to Dawes, "some time before," the impropriety of purchasing pease from convicts; and in one case in which a convict appeared before the magistrates charged with a breach of the order in question, he admitted having given forty pounds of flour and twenty pounds of sugar to Lieutenant Dawes for "spirits and other articles."

1791

Phillip's remarks thereon.

As no inquiry was held, it is impossible to say to what extent the regulation was infringed by Lieutenant Dawes; but it is apparent from his own account that he was at least guilty of an indiscretion. The order was prohibitory; it forbade the purchase of provisions from convicts under any circumstances whatever, and it was the duty of every officer to see that it was strictly enforced. If the flour which he purchased was the convict baker's perquisite, the proper course would have been for him to bring the matter under the notice of the Commissary before making any purchase from a convict, even though he happened to be baker to the garrison.

An indiscretion.

The second charge was more serious than the first. It arose out of a difficulty with the natives in December, 1790. Some of the tribes, to avenge themselves for injuries they had received from the convicts, attacked with spears any

The second charge.

1790 white man they might happen to meet unarmed. Several of the convicts having been killed and others seriously wounded, Phillip determined to make an example of the offenders, and sent out a large party of soldiers, with instructions to pursue the tribe and bring in six prisoners, or, if that should be found impracticable, to put a similar number to death.* An order to this effect was issued on the 13th December, 1790, and it fell to Lieutenant Dawes, in the ordinary course of duty, to go out with the party, which included two captains and two subalterns. Entertaining a strong objection to the plan proposed by Phillip for chastising the natives, he wrote a letter to Captain Campbell, who commanded the detachment (Major Ross was acting as Lieutenant-Governor at Norfolk Island), refusing the duty. He was remonstrated with both by Campbell and Phillip, but to no purpose. Apparently he had religious or conscientious scruples, which were temporarily allayed by the Chaplain, for it is stated that "late in the evening Lieutenant Dawes informed Captain Campbell that the Rev. Mr. Johnson thought he might obey the order, and that he was ready to go out with the party, which he did."† But the matter did not end here; he spent several days with the detachment in the vain pursuit of the savages, who disappeared as soon as the soldiers came in sight. After his return to Sydney he repented that he had been prevailed upon to go out on such a service, and "informed the Governor that 'he was sorry he had been persuaded to comply with the order,' intimating at the same time that he would not obey a similar one in future." This language, emphasised by a manner which showed to the Governor a determination to disobey orders in the future, was clearly insubordinate. If Phillip had been less forbearing it would have been more strongly resented. Lieutenant Dawes does not seem, however, to have regretted the part he

Soldiers sent out against natives.

Dawes refuses to take part in it,

but eventually consents.

Insubordination.

* The expedition failed in its object.—Vol. i, p. 128.

† One of Lieutenant Dawes's intimate friends described him as "a most amiable man . . . . truly religious, without any appearance of formal sanctity."—Historical Records, vol. ii, p. 711.

played on this occasion. In his letter of the 6th November, 1791, he informed the Governor that "after so long a time having elapsed, and repeated reflections on the subject, I feel at this instant no reason to alter the sentiments I then entertained." 1791

A second expedition was sent out a few days after the return of the first;* but Lieutenant Dawes persisted in his refusal to take part in it, and the language he used to the Governor on this occasion constituted the third charge of "unofficerlike behaviour." His expressions, Phillip stated, "were such as would have subjected him to a Court-martial had he been amenable to one." In regard to this part of the charge, Lieutenant Dawes, who appears to have been of a very impulsive disposition, disclaimed (in a letter to Phillip dated nearly a year after the event) any intention to "express anything either in word or manner in any degree improper or disrespectful," and he was "exceedingly pained" to find that such an idea was entertained. He explained that having conceived that a direct charge had been made against him by the Governor of "leaving the Observatory without sufficient cause," he had only done justice to himself in denying the charge "in terms sufficiently clear and expressive to leave no possibility of misconception."† The third charge. Unofficer-like behaviour.

It thus happened that while the Home Department was endeavouring to make arrangements for his stay in the colony, Lieutenant Dawes was doing his best to render it impossible for him to remain, at all events in any official capacity. The Governor appears to have entertained no personal animosity towards the lieutenant, and he would have been glad to keep him in the colony, "provided he had seen his error," not only because it was the wish of the British Government that he should remain, but because "his services were wanted in surveying and marking out allotments of land for settlers." Instead, therefore, of The relations between Phillip and Dawes.

* Tench, Complete Account, p. 98.
† Historical Records, vol. i, part 2, p. 545.

1791 ordering him home to be tried by Court-martial, Phillip sent him a written message informing him that his conduct would be "forgotten" if he acknowledged the impropriety of it "in such a manner as may leave no reason to suppose that anything similar will happen in future." The exercise of a little diplomacy might have removed the misunderstanding; but none was shown by either party, and a month afterwards Lieutenant Dawes left the colony in the Gorgon with the Commandant and the greater part of the marine detachment.

Dawes returns to England.

Significance of the incident.

The incident in itself is not of much consequence, but it is important as showing the difficulties with which Phillip had to contend, and the manner in which he dealt with them. His relations with the officers of marines were unpleasant all through, and if he had acted less judiciously than he did a misfortune worse than that which occurred in Bligh's time would probably have happened. In his dealings with Major Ross he kept his feelings under restraint, and sank his pride of office. He acted in the same manner with regard to Lieutenant Dawes. If he had taken a severe or a limited view of his duty, and paid no regard to surrounding circumstances, he would have put that officer under arrest when he committed his first act of insubordination. It is not unlikely that he had these facts in his mind when he told Grenville, in the despatch which covered the correspondence with Dawes, that he had "often found that the peculiar situation this colony has been in made it necessary to pass over improprieties which could not otherwise have passed unnoticed."*

Phillip and the military.

* Historical Records, vol. i, part 2, p. 543.



HENRY DUNDAS.
(Lord Melville.)

Reproduced by Heliotype; the original painting by Sir Thos. Lawrence.

STATE OF THE SETTLEMENT IN 1792.

1792

THE despatch written by Phillip on the 19th March, 1792, the last year of his Governorship, shows that the difficulties under which the colony had so long laboured still existed. The sick convicts brought by the Third Fleet in the winter of 1791 were a burden on the settlement; the want of implements to till the land, and clothing to protect the people from the weather, was severely felt.* There was practically no live stock, and the colony was still threatened with starvation. Want of sufficient food told on the strength of the labourers, while the survivors of the convicts who had been landed sick from the transports became so weak that they were incapable of doing any work. This occurred at a time when the absence of the expected supplies from England, and the uncertainty that was felt as to the time of their arrival, made progress with cultivation a matter of vital importance. The hours of labour were few—they did not amount, according to Collins's reckoning, to more than three days per week†—and the men who could work were so prostrated that their services were of little value.‡ Under

Difficulties and privations.

Emaciated convicts.

Convicts unable to work.

* "The clothing which was received for the use of the convicts is so very slight that most of the people are naked a few weeks after they have been clothed."—Phillip to Dundas, Historical Records, vol. i, part 2, p. 596.

† "One day in each week was dedicated to issuing provisions, and the labour of the other five (with interruptions from bad weather, and the plea of the reduced ration) did not amount in all to three good working-days."—Collins, vol. i, p. 207. Phillip, writing to Nepean on 29th March, 1792, informed him that hours of labour were from 5 a.m. to 9 a.m., and from 4 p.m. to 5·30 p.m.—Historical Records, vol. i, part 2, p. 610.

‡ Writing of this state of things, in February, Collins states (vol. i, p. 201):—"The convicts employed in cultivating and clearing public ground beyond Parramatta, having been landed in a weak and sickly state, wore in general a most miserable and emaciated appearance, and numbers of them died daily. The reduced ration by no means contributed to their amendment."

1792 these circumstances the cultivation of the land proceeded slowly and painfully.

Starvation and crime.

One of the results of this unhappy condition of things was systematic thieving by the half-starved convicts, who not only stole corn from the fields, but broke into the stores and carried off whatever provisions they could lay their hands on. Those who were found pillaging the crops were flogged; those who were convicted of robbing the stores were hanged. As the safety of the settlement depended on the preservation of the stores, no mercy was shown to offenders of this class. One of them, confessing his fault the moment before his execution, said that he had committed the theft for which he was about to suffer because of hunger. "He appeared desirous of death," says Collins, "declaring that he knew he could not live without stealing." This is a significant remark. It shows that the robberies perpetrated at this time were due not so much to the depravity of the offenders as to an irresistible craving for food. Phillip, writing to Dundas in October, 1792, informed him that nearly one-third of the 1791-92 crop of maize had been stolen from the grounds.

The pangs of hunger.

So great, indeed, was the scarcity of, and craving for, food that several of the convicts died "from feeding on it [the Indian corn] in its crude state when carrying the grain to the public granary." He added: "It is but just to observe that I can recollect very few crimes during the last three years but what have been committed to procure the necessaries of life."*

Reflections upon the severity of the law.

To hang starving men for stealing the means of sustaining life would be regarded in the present day as a cruel and a brutal thing; but in discussing the punishments inflicted upon the convict population of New South Wales a hundred years ago, the circumstances of the colony and the laws in force at the time must be taken into consideration. House-breaking under the English law was a capital offence, and

* Historical Records, vol. i, part 2, p. 645.

1792

if a convict at Sydney or Parramatta was hanged for stealing a bag of flour from the public store, he was not more harshly dealt with than a man who was sent to the gallows in England for stealing a watch from a dwelling-house. There was, in fact, greater reason for severity in the former case than in the latter. It was necessary to protect the stores of food by every possible means, and mercy could not be extended to thieves without imperilling the public safety.*

Peculiar situation of the colony.

Culprits new arrivals.

It is a noticeable fact that the culprits were in almost every case the convicts who came out in the vessels of the Second and Third Fleets; those brought by the first transports took no part in the robberies. The circumstance is not mentioned in Phillip's despatches; but it attracted the attention of Collins, who recorded it without suggesting any reason for the wide difference between the conduct of the old and the new convicts.† The reasons are not very difficult to discover. The first convicts had been well disciplined, and had become inured to want. They were, as a rule, in good health, and better able to bear privations than the late arrivals. They also enjoyed advantages which the new-comers did not possess, for some of them, at all events, were able to supplement the ordinary ration with the produce of their gardens. In a great many cases the sentences of the men who belonged to the first batch of convicts were about to expire, and the knowledge that they would soon regain their freedom if they behaved well was a powerful incentive to good conduct.

Good behaviour of first convicts.

* Under extraordinary circumstances offenders have been treated with equal rigour in recent times. In 1884, when the survivors of the Arctic Exploring Expedition organised by the United States Government were on the point of starvation, one of the party stole food from the common stock, and having disregarded the warnings he had received, was shot without trial of any kind, by the written authority of the commander, Lieutenant Greely. —Three Years of Arctic Service, vol. ii, p. 317.

† "To the credit of the convicts who came out in the First Fleet it must be remarked, that none of them were concerned in these offences; and of them it was said the new-comers stood so much in dread, that they never were admitted to any share in their confidence."—Collins, vol. i, p. 196.

1792

Disorderly assemblages

The new arrivals appear to have been so dissatisfied with their lot, and so impatient of restraint, that, weak and suffering as they were, they broke out into riot and disorder.

It was necessary to put a stop to these demonstrations, which threatened the peace of the settlement, and according to Collins a proclamation was issued forbidding convicts to assemble in numbers, and directing that any man who left his hut during a disturbance should be deemed to be aiding and abetting the rioters, and should be punished accordingly.* This rigorous measure had the desired effect, for riotous conduct on the part of the convicts appears to have immediately ceased.

Grose arrives by the Pitt.

While affairs were in this state the Pitt arrived from England (14th February, 1792), having on board Major Grose, Lieutenant-Governor of the colony, and Commandant of the New South Wales Corps. The Pitt also brought a company of this force under the command of the Adjutant, Lieutenant Rowley, and a number of convicts.† A ship from England was always a welcome sight at Sydney Cove. In the case of the Pitt the feeling of satisfaction was enhanced by the general belief that she had on board a substantial quantity of stores for the relief of the settlement; but like many other transports, she was a disappointment. She brought neither flour nor rice, and only enough beef and pork to supply the colony, at the reduced ration, for forty days.‡ The omission, which was a serious one, was explained by Dundas in a despatch forwarded by the Pitt :—

Provisions and stores.

Salt meat only.

"The supply was confined to these articles [salted beef and pork] on the idea that with the grain produced in the settlement, the flour already sent from Home, the quantity purchased at

* Collins, vol. i, p. 199.

† The arrivals by this vessel were partly compensated for, by the departure in January of sixty-two convicts and settlers to Norfolk Island.

‡ "She [the Pitt] brought out three hundred and nineteen male and forty-nine female convicts, five children, and seven free women: with salt provisions calculated to serve that number of people ten months, but which would only furnish the colony with provisions for forty days."—Collins, vol. i, p. 201.

Batavia, and the supply intended to be forwarded to you from Calcutta, you would not, at least for the present, be in want of flour or rice. I shall, however, before the departure of the next ship,* endeavour to form the best opinion I can from your communications, of the exact state of the settlement in this respect; and shall then make such preparation as may appear requisite for furnishing you with such further supplies as you may be supposed to stand in need of."† 1792

Collins alleged that when Dundas wrote this despatch (5th July, 1791) he had before him Phillip's letter to Grenville of the 17th July, 1790,‡ which was sent home by the Justinian, and in which the Secretary of State was informed that "after two years from this time we shall not want any further supply of flour." As a matter of fact, Collins was wrong; and Dundas has been unjustly blamed. The Justinian, after landing her stores, proceeded to China for teas, and did not arrive in England until some months after the Pitt had sailed. Dundas was consequently quite in the dark, and had, when he wrote the despatch quoted above, no later advices from Sydney before him than those of April, 1790, of which Lieutenant P. G. King was the bearer. He was, perhaps, too sanguine in placing so much reliance upon the flour intended to be sent from Calcutta. It appears that in August, 1790, some Indian merchants, having heard of the wreck of the Guardian, proposed to Dundas, through Lord Cornwallis—Governor-General of India—to furnish the settlement with stores. About the same time Dundas wrote to Lord Cornwallis informing him that it was intended to send one of the transports to Calcutta for this express purpose, after she had landed her convicts at Sydney. The letters crossed. Cornwallis, relying upon the return of the transport, took no further action in the matter. Dundas, on the other hand, concluded that Cornwallis had contracted with the merchants for the hire of a storeship. Hence it

The Secretary of State in the dark.

Provisions from India.

An unfortunate confusion.

* She was to leave in the autumn of 1791.
† Historical Records, vol. i, part 2, p. 497.
‡ Collins, vol. i, p. 201; Historical Records, vol. i, part 2, pp. 359–363.

1792 was that no provisions were received from India until 20th June, 1792, when the transport Atlantic, despatched to India by Phillip, returned to Sydney with a cargo of flour and grain.

Phillip wrote to Dundas on the 19th March, 1792, reporting the arrival of the Pitt, and ten days later he explained matters in a letter to Under Secretary Nepean. The population of the settlements at Port Jackson and Norfolk Island at this time numbered 4,192,* and Phillip felt it his duty to point out that :—

Population: 3277 men 691 women 224 childr'n 4192

> "A great quantity of provisions are consumed daily by such a number of people, and nine or twelve months' provisions brought by the transports for the three or four hundred convicts they are bringing out last but a short time when divided amongst such numbers."†

The supplies brought by the Pitt were as a drop in the ocean in comparison with the wants of the settlement; they did not enable the Governor to make any increase in the ration. The position of affairs as regards the supply of food and the incapacity of the people for work was stated in language that could not be misunderstood. At the low ration then issued there was only enough flour in store for fifty-two days, and pork for one hundred and forty-seven days ; the only hope of replenishing the stores rested in the Atlantic, which had been sent from Sydney to Calcutta, and the vessel that was to follow the Pitt from England. It was impossible to say how long the Atlantic would be in making the voyage to India and getting back to Port Jackson ; and it was equally uncertain when the storeship from England would arrive. The people had learned from painful experience that delays frequently took place in despatching vessels from England, and that unreasonably long voyages were sometimes made. They had also a vivid recollection

Phillip speaks out.

An anxious period.

* 3,277 men ; 691 women ; 224 children.—Historical Records, vol. i, part 2, p. 611 ; vol. ii, pp. 466, 467.

† Historical Records, vol. i, part 2, p. 611.

of the disaster which overtook the Guardian, and were sorely troubled by the conviction that if the ships should fail they would be brought to the point of starvation. So keen was the anxiety that Phillip made arrangements for the Pitt, which was going to India after taking convicts to Norfolk Island, to call at Calcutta, and, if the Atlantic had not been heard of, to receive on board a cargo of provisions and return to Port Jackson with all speed. Fortunately, however, her services were not required. 1792 The prospect of starvation.

The circumstances under which the Pitt was sent from England were not realised by the Governor at once. When she was unloaded, he discovered that, although she had on board only a small quantity of provisions for public use, she had brought out four thousand pounds' worth of goods, which were sold privately in the settlement. Besides this, she had articles on board which the Commissary was obliged to purchase. It also appears that public stores, placed on board in the first instance, were sent on shore to make room for "private trade." Phillip called attention to the facts in a despatch written seven months after the arrival of the vessel, but not with the indignation the circumstances would have justified.* Private trading. The Pitt's cargo.

The Pitt was despatched at a critical time. If she had been well provisioned, the colony, on her arrival, would have experienced material relief; sent out as she was, with only a small quantity of salt provisions for the public stores, and a considerable number of convicts, she brought only disappointment and vexation.

In striking contrast to other accounts of the state of the settlement at, and immediately following, the arrival of

* Phillip to Dundas.—Historical Records, vol. i, part 2, p. 649. "A shop was opened at a hut on shore for the sale of the various articles brought out in the Pitt; and notwithstanding that a fleet of transports had but lately sailed hence, notwithstanding the different orders which had been sent to Bengal, and the high price at which everything was sold, the avidity with which all descriptions of people grasped at what was to be purchased was extraordinary."—Collins, vol. i, p. 202.

1792 the Pitt was the first letter which Grose wrote to England; it was addressed to his friend Evan Nepean. He thus describes his early impressions of the colony :—

Grose's first letter to England.

"I am at last, thank God, safely landed with my family at this place, and, to my great astonishment, instead of the rock I expected to see, I find myself surrounded with gardens that flourish and produce fruit of every description. Vegetables are here in great abundance, and I live in as good a house as I wish for. I am given the farm of my predecessor,* which produces a sufficiency to supply my family with everything I have occasion for. In short, all that is wanting to put this colony in an independent state is one ship freighted with corn and black cattle. Was that but done, all difficulties would be over."†

His first impressions.

While Collins was writing gloomy passages in his notebook, and even the sanguine Phillip was sending to England despatches pointing out the distressed condition of the people and the alarm which was felt, Grose painted everything *couleur de rose*. As he had, at the time of writing, been in the colony six or seven weeks, the tone of his letter can only be explained on the supposition that he did not know what was going on around him. It is true that he was stationed at Sydney, the head-quarters of the Corps, and therefore did not see the weak and emaciated convicts fainting at their work and "daily dropping into the grave";‡ but these things, one would have thought, were the common talk of the settlement. He must have known, at any rate, that the people were living on a scanty allowance of food, for at that time every one shared alike—the Governor received no more from the public stock than the meanest convict. Only a few months later, in fact, he made a complaint to the War Office that the officers and men of the New South Wales Corps were treated no better than the convicts.§ Whether it was that he had brought from England

Contrasts.

Grose's opinions alter.

* Major Ross.

† Historical Records, vol. i, part 2, p. 613.

‡ Collins, vol. i, p. 209.

§ On the 22nd October, 1792, he wrote to Under Secretary Lewis :—"Now, whenever it happens that a short allowance is issued to the felons, the

extra supplies, which rendered him for a time independent of the food issued from the public store, or that the produce of his farm kept him in plenty, it is certain that his opinion changed considerably within a few months. In April he was in possession of everything he wanted; in October he joined with other officers of the Corps in chartering the Britannia to go to the Cape for supplies, and wrote a letter to Phillip begging him to facilitate the movements of the ship, so as to assist him and his brother-officers to "escape the miseries of that precarious existence we have hitherto been so constantly exposed to."* 1792

The officers charter a vessel.

This effort on the part of the military officers to procure supplies which the ration issued from the stores did not afford, was regarded by Phillip with disfavour. He admitted that the garrison "suffered many inconveniences from the necessary supplies not arriving," but he was unable to see the necessity, and doubted the propriety, of taking the step proposed. He was afraid that the course the officers proposed to pursue would be regarded by the East India Company as an infringement of its privileges, and he had no wish to bring the colony into conflict with that powerful organisation. He thought the officers should be content to receive such necessaries as they might obtain by sending orders to India or the Cape, availing themselves of the opportunities afforded by the arrival of the vessels under contract with the Government. He did not veto the scheme, but he refused to give it official sanction.† If he had foreseen that this voyage of the Britannia to the Cape was the

Phillip unfavourable to the scheme.

Privileges of the East India Company.

soldiers' ration is also reduced, and that without the smallest difference or distinction—the captain of a company and the convict transported for life divide and share and share alike whatever is served out. Our numbers are too much reduced by unwholesome food and bad quarters to make the saving a matter of much moment, even in the greatest scarcity; nor can I imagine it was intended we should so equally partake of whatever miseries assail the colony."—Historical Records, vol. i, part 2, p. 672.

* According to Collins (vol. i, p. 236), Mr. Raven, master of the Britannia, let his ship for the sum of £2,000, and eleven shares of £200 each were subscribed for the purchase of cattle and articles of comfort not to be found in the public stores.

† Historical Records, vol. i, part 2, pp. 651–653.

1792 prelude to a system under which the military officers became purveyors to the settlement and the monopolists of trade, he would probably have opposed the scheme more actively, although, as he himself admitted, he could not prevent it.* It does not appear that any objection was raised either by the British Government or the East India Company, for we find Grose writing to Dundas on the 31st August, 1794, informing him that the Britannia had been engaged by the civil and military officers to bring a second shipment of stores and cattle from the Cape.

A dangerous precedent.

A second shipment.

While the arrival of the relief vessel was awaited, the people lived in a state of suffering and suspense almost as intolerable as that they had undergone two years before, when the wreck of the Guardian, and the delay in the voyage of the Lady Juliana, brought the settlement to the verge of starvation. The ration was reduced month by month, until it stood thus:—One pound and a half of flour, five pounds of maize, and four pounds of pork for each man per week. Women and children received a proportionately smaller ration. Even this small allowance of food was less than it looked on paper, for the maize was issued unbroken, and in grinding it with the rude appliances available about a quarter was lost.† The ration of pork represented rather more than half a pound of animal food per diem; but if the salt meat served at this time was no better than that generally supplied, the half-pound was practically no more than a few ounces. These three articles—flour, maize, pork—constituted the food supply of the settle-

A period of suspense.

Starvation rations.

The salt meat.

* In making this admission, Phillip let it be understood that his chief objection to the proposal was that it might lead to complications with the East India Company. Writing to Dundas, on the 4th October, 1792, he said:—"I wished to prevent what may be supposed to affect the interest of the East India Company by opening a door to a contraband trade; at the same time, as I could not prevent it, and do not believe that the Britannia goes to the Cape with any such view, I beg leave to say that I do not think his Majesty's service will suffer, if the reasons assigned in Major Grose's letter should be deemed sufficient for the step which has been taken, and which, being admitted, may prevent much discontent."—Historical Records, vol. i, part 2, p. 651.

† Collins, vol. i, p. 211.

ment; and from the Governor downwards the ration received by every man was the same. The civil and military officers, and others who had the means, were able to supplement their allowance with game and fish, obtained in small quantities, and with luxuries purchased from the masters of the transports, who sold their goods at exorbitant prices. 1792 Game and fish.

But the bulk of the people had only the ration, and they were half-starved. The healthy suffered severely—the sick perished. In the despatches little is said about the miseries of the people, but Collins's account enables one to form some idea of the deplorable condition of things in the settlement at this time. Many of the convicts who arrived by the vessels of the Third Fleet had never recovered from the privations they endured on the voyage, and died in great numbers. During the month of November, 1791, fifty-four of these convicts died, and at the end of it five hundred were still under medical treatment. The total number of deaths during the year was one hundred and seventy-one.* In the seven months following the arrival of the Third Fleet no less than two hundred and eighty-eight deaths occurred, the record for the previous seven months being but nineteen. The sick-list, on the 29th March, 1792, was four hundred and twenty-nine, of whom only eighteen were free.† The month of April, 1792, opened, according to Collins, "with a dreadful sick-list, and with death making rapid strides amongst us."‡ At the beginning of May only fifty of the male convicts brought by the Queen in September, 1791, were living. The number landed is not stated in the despatches, but Collins, in his Account of New South Wales, gives it as one hundred and twenty-two. According to the official list, the number embarked was one hundred and seventy-five,§ so that the survivors numbered less than a third of the number sent out. During the year 1792 four Sufferings of the convicts. Sick and dying. Dreadful mortality.

* Collins, vol. i, pp. 189, 194.
† Historical Records, vol. i, part 2, p. 596.
‡ Collins, vol. i, p. 204.
§ Historical Records, vol. i, part 2, p. 463.

1792 hundred and seventy-seven deaths were recorded; of these, much the greater number took place during the first half of the year.*

Dying from exhaustion.

While the mortality was at its height it seems to have occurred to someone that the men who were dying from exhaustion might possibly be saved if the meagre ration could be supplemented with fresh animal food and vegetables. Special efforts were made to procure game and fish for the sick, for whom also a good supply of vegetables was obtained. These efforts met with success, and the increase of fresh wholesome food speedily reduced the death-rate. The settlement, however, still continued in a most critical condition. If any accident had happened to the relief vessels, calamity would have overtaken the settlement; even prolonged delay in their arrival would have been disastrous. Fortunately they both arrived in safety —the Atlantic from Calcutta, and the Britannia from England—before the colony had been reduced to extremity. On the 6th June "there was only a sufficiency of flour in store to serve till the 2nd of July, and salt provisions till the 6th of August following, at the ration then issued; and neither the Atlantic, storeship, from Calcutta, nor the expected supplies from England, had arrived."†

Arrival of relief vessels.

The Atlantic with grain.

The Atlantic anchored in Sydney Cove with a cargo of rice, soujee, and dholl on the 20th June.‡ These stores were anything but satisfactory. The soujee, an inferior sort of flour,§ would not have been accepted by any but starving men, while the dholl (Indian peas) was scarcely fit for consumption. No animal food was brought by this vessel,

* Collins, vol. i, pp. 204, 209, 210, 215, 258. † Ib., p. 216.

‡ One-third was sent to Norfolk Island.

§ "It appearing that the flour of Bengal, unless it was dressed for the purpose, which would have taken a great deal of time, was not of a quality to keep even for the voyage from Calcutta to this country, a large proportion of rice, of that sort which was said to be the fittest for preservation, was purchased. A small quantity of flour, too, was put on board, but merely for the purpose of experiment. It was called soujee by the natives, but was much inferior in quality to the flour prepared in Europe, and more difficult to make into bread."—Collins, vol. i, p. 217.

except a few casks of salted pork, sent as an experiment. Yet her arrival, according to Collins, was the cause of "inexpressible joy." A "gleam of sunshine penetrated every-one capable of reflection," and the community was so excited that "we all felt alike, and found it impossible to sit for one minute seriously down to any business or accustomed pursuit." When people of all ranks were thrown into raptures by the arrival of a vessel loaded with unpalatable food, the situation of the colony may be understood. 1792

A "gleam of sunshine."

Although the arrival of the Atlantic removed the immediate prospect of starvation, the supplies from England were still awaited with eagerness. As no animal food had been received, it became necessary to reduce the allowance of pork per week from four pounds to two—adding, as a set off, a pound of rice and a quart of pease to the ration.

The Britannia, the long-expected storeship, arrived on the 26th July, 1792. She had sailed from England—not in the autumn of 1791, as promised, but on the 15th February, 1792—seven months after the Pitt—and carried a good supply of beef, pork, and flour.* The people were now put upon a fair allowance of food, but it was still far below the "established ration," which was equivalent to that allowed to troops serving in foreign parts, with the exception of spirits.† For the present all anxiety was removed, and "universal satisfaction" was felt. But had the Britannia been a month longer on the voyage the allowance from the store would have been reduced to a small quantity of vegetable food, and meat would have disappeared altogether from the ration.‡

The Britannia arrives with meat and flour.

The ration increased.

* "The Britannia was the first of three ships that were to be despatched hither, having on board twelve months' clothing for the convicts, four months' flour, and eight months' beef and pork for every description of persons in the settlements, at full allowance, calculating their numbers at four thousand six hundred and thirty-nine, which it was at Home supposed they might amount to after the arrival of the Pitt."—Collins, vol. i, p. 223.

† The ration now consisted of 4 lb. of maize, 3 lb. of soujee, 7 lb. of beef or 4 lb. of pork, 3 pints of pease or dholl, and ½ lb. of rice.—Ib., p. 224.

‡ Ib.

1792

Inferior provisions from India.

The inferior cargo brought by the Atlantic gave Indian provisions a bad name in the settlement, but it was soon discovered that stores of good quality could be obtained from Calcutta and Bombay. Early in 1793 the Shah Hormuzear, sent from Calcutta with a cargo of provisions as a speculation, arrived at Sydney, and supplies being still low, her cargo was purchased and added to the public stock. Before this was done the provisions were examined by the Commissary, who reported that, with the exception of the salted meat, all the articles were superior in quality to any that had previously reached the colony. Grose's opinion of the salted meat was that, although inferior to Irish-cured provisions, it was "not so bad but it might be eaten." On the other hand, every article brought by the Atlantic was unfit to be served as a ration except to people who were unable to obtain food of any sort. Finding how vast was the difference between the Atlantic's cargo and that sent as a speculation by the Shah Hormuzear, Grose, adopting the advice of Lord Cornwallis,* would have preferred to await the arrival of another private shipment, rather than order a cargo from India; but the small quantity of stores in hand obliged him, in 1793, to send the Britannia to Calcutta for provisions, and he suggested to Lord Cornwallis that a survey of them should be made before they were accepted, recommending, at the same time, that the master of the vessel, who had had long experience in the Navy, should be one of the examiners.

A second shipment more satisfactory.

The Britannia chartered by Grose.

Unwholesome food.

There was now (July, 1792) comparative plenty in the settlement, but the food was coarse and unpalatable; for the sick convicts whom Phillip was trying to rescue from death nothing could have been more unsuitable. One of the items of the "established ration" was butter, but this article had not been supplied for a long time. That sent out in the first ships was rancid when issued from the store. Whether the cause was the length of the voyage or

* Grose to Dundas, 19th April, 1793.—Historical Records, vol. ii, p. 21.

1792

bad curing does not appear, but it was decided that butter was not a substance that could be used with advantage, and oil was substituted.* Accordingly, a quantity of oil was put on board the Royal Admiral and the Kitty, the vessels which followed the Britannia. But the oil was no better than the butter; it could not be used as an article of diet, and was even unfit for culinary purposes. It was employed instead of candles, or it would have been wasted.†

A substitute for butter.

Shortly after the arrival of the Britannia, three vessels entered the port—the Royal Admiral and the Kitty from England, and the Philadelphia from America. From the master of the Philadelphia, Phillip purchased a quantity of American beef, while those who had the means bought what they could afford from the miscellaneous stores with which the vessel was freighted.‡ The Royal Admiral arrived on the 7th October, 1792, with over three hundred convicts. The Kitty arrived on the 18th November, with only a few women; she sailed in March, but had to put back to Spithead to stop a leak, and while in port eight of the ten male convicts who were embarked made their escape. This was "an unfortunate accident, for they had been particularly selected as men who might be useful in the colony."§

Arrival of vessels from England and America.

The Royal Admiral.

The Kitty.

The Kitty had not arrived when Phillip wrote his last despatch (11th October, 1792)—the last, at all events, that appears in the Records. Although the official papers are not complete, it seems probable that Phillip wrote no later despatch than that of the 11th October. He had made up

Phillip's last despatch.

* Under Secretary King to Phillip, 10th January, 1792.—Historical Records, vol. i, part 2, p. 590.

† Collins, vol. i, p. 241.

‡ Sydney was indebted for the visit of this vessel, the first which had arrived under a foreign flag, to Lieutenant King. The Philadelphia was at the Cape in July, 1791, when King was there on his way out to Norfolk Island in the Gorgon. King suggested to the master, Captain Patrickson, that it might prove a good speculation to take out a cargo of provisions to Port Jackson, and the latter fell in with the idea. Having taken the vessel to England and discharged her cargo, he made the best of his way to Philadelphia, reloaded, and sailed early in April for Sydney, arriving on the 1st November The facts are stated by Collins, vol. i, p. 243.

§ Ib., p. 245.

1792 his mind early in the month to return to England as soon as he had received permission to do so, and he was anxiously awaiting instructions from England which would enable him to get away by the Atlantic, the next vessel to sail for England. If he missed this chance, he told Nepean in a private letter, he did not see how he was to get home unless by way of China or the north-west coast of America, "neither of which would be very agreeable to a man going in search of health."

Convicts on the Royal Admiral.

Phillip's report on the Royal Admiral is brief and cautiously worded; he evidently wrote under restraint. The mortality on board this vessel, though slight compared with the destruction of life which marked the voyages of the Second and Third Fleets, was greater than it should have been, and many of the convicts arrived in bad health, thus increasing the burden which the settlement had to bear. Twelve convicts died on the passage, and sixty-one were landed sick. This would have been considered bad for any vessel, but there was a special ground for dissatisfaction in this case. When the reports of the disastrous voyages of the Neptune, Surprize, and Scarborough reached England, the Home Department resolved to employ as transports in future vessels belonging to the East India Company instead of making contracts with English shipping firms, and the adoption of this course, it was confidently expected, would put an end to the shocking abuses which had thrown so much discredit on the transportation system. The Royal Admiral was the first Indiaman employed in the service, and her record was highly unsatisfactory. In the case of some of the vessels which had come out under different management, the great mortality and sickness was caused by indifference and inhumanity. In this instance it does not appear that the convicts were purposely ill-treated, but the ship was too small for the number on board. The fact was manifest to Phillip, who would have been justified in writing strongly on the subject to the authorities in England,

Introduction of a new system.

Insufficient accommodation.

but he contented himself with directing attention to the weak spot in the mildest terms :— 1792

"I have no doubt but that strict justice has been done them [the convicts], and hope the sending out convicts and stores by ships employed in the service of the East India Company will answer the end proposed by Government; but, sir, if I was to give an opinion, I think the people have been too much crowded on board this ship."* The vessel over-crowded.

Although the arrival of these vessels relieved the colony from the fear of starvation, the days of plenty had not yet set in. The full ration of meat was now issued, but, instead of seven pounds of bread and one pound of flour, which formed part of the established ration, the allowance was only two pounds of flour and five pounds of rice. Without the latter article, which was obtained in large quantities from India, the people would have fared badly; but it was a poor substitute for flour. With the full allowance of flour, if the quality was good, everyone was satisfied; when rice took the place of flour there was discontent. Unfortunately, the Kitty's cargo, particularly the flour,† was damaged by the bad weather she encountered, and it was for this reason, probably, that so small a quantity was allowed in the ration. At the beginning of December the allowance was increased to three pounds, and it stood at that for some time.‡ The ration. Short allowance of flour.

* Phillip to Dundas, Historical Records, vol. i, part 2, p. 665. The arrival of the Royal Admiral led to trouble in the settlement. Like most of the transports, she brought out articles of private trade, and shops were opened at Sydney and Parramatta. A license was also granted for the sale of porter. The result is thus described by Collins :—"Under the cover of this, spirits found their way among the people, and much intoxication was the consequence. Several of the settlers, breaking out from the restraint to which they had been subject, conducted themselves with the greatest impropriety, beating their wives, destroying their stock, trampling on and injuring their crops in the ground, and destroying each other's property. . . . . The indulgence which was intended by the Governor for their benefit was most shamefully abused; and what he suffered them to purchase with a view to their future comfort, was retailed among themselves at a scandalous profit; several of the settlers' houses being at this time literally nothing else but porter-houses, where rioting and drunkenness prevailed as long as the means remained."—Collins, vol. i, pp. 240, 241.

† Ib., p. 245.

‡ "On the 3rd of this month [December], the Governor, as one of his last acts in the settlement, ordered one pound of flour to be added to the

1792 Other necessaries were wanting besides food and clothing. The progress of the settlement depended upon the cultivation of the land, but after four years the deficient supply of ordinary tools of husbandry was still a cause for complaint.* The want of iron pots, which were required for cooking purposes, was a standing grievance. It must be regarded as a supremely ridiculous thing that the powerful organisation which had the affairs of the colony in hand was unequal to the duty of supplying the people with the commonest utensils. An effort was made to meet the difficulty when the Kitty was sent out, but while the greatest care was shown in ordering supplies, none appears to have been taken in stowing the cargo. The consequence was that a great many of the utensils sent by the Kitty were destroyed before they reached their destination.† Seven months later Grose complained of the want of common utensils and tools.‡

The want of tools

and utensils.

One portion of the Kitty's shipment arrived safely, and was very welcome, although it was not of so much importance as were provisions, or even iron pots. It consisted of a quantity of silver money in dollars, valued at £1,001. Phillip had asked in one of his early despatches (28th September, 1788) that money might be sent out to pay the wages of the marine artificers, "as bills would be attended with great loss and inconvenience." In reply, Nepean stated, 20th June, 1789, that a remittance would be sent by the

A consignment of silver coins

weekly ration, which, by means of this addition, stood on his departure at—3 pounds of flour, 5 pounds of rice, 4 pounds of pork or 7 pounds of beef, 3 pounds of dholl, 6 ounces of oil."—Collins, vol. i, p. 247.

* Historical Records, vol. i, part 2, p. 643.

† "When her cargo [the Kitty's] was landing it was found to have suffered considerably by the bad weather she had experienced. . . . . The convicts had for a long time been nearly as much distressed for utensils to dress their provisions as they had been for provisions; and we had now the mortification to find, that of the small supply of iron pots which had been put on board, a great part were either broken or cracked, having been literally stowed among the provision-casks in the hold."—Collins, vol. i, p. 245.

‡ On 30th May, 1793, Grose wrote to Dundas:—"We suffer the greatest inconvenience from the want of hand-mills and iron pots. If five hundred mills and a thousand pots were sent in the first ship they will do away more distress than can be conceived. Tools are so much wanted that until the small supply we got in the Dædalus we had not an axe, and at this time we have not a cross-cutting saw in the stores."—Historical Records, vol. ii, p. 30.

Guardian, but the promise was not kept. The precise reason is not given, but Under Secretary King, who was acting for Nepean at the time, wrote on the 10th January, 1792, in forwarding the money by the Kitty, that "circumstances interfered" to prevent its shipment by the Guardian. In the meantime many of the artificers had become settlers, and wanted money to pay their way; while a number of superintendents who had been taken into the Government employment were also asking for their wages. The absence of cash caused a good deal of trouble, but Phillip did not say much on the subject in his despatches, probably because wants of a more pressing nature occupied his attention. The inconvenience was diminished a good deal, however, by an expedient adopted by the Commissary, who issued notes on himself, payable in cash or stores.*

1792

A general convenience.

The money was sent in dollars instead of in coin of the realm, because the dollar was the standard coin both at the Cape of Good Hope and Batavia, the places with which the principal trade of the colony was transacted.

It would be unnecessary to enter into the details given in the preceding pages but for the fact that upon the quantity and quality of the food supplied from the public stores the lives of the people and the progress of the settlement depended. Notwithstanding the enormous difficulties which were encountered, owing to the landing of hundreds of sick convicts, and the absence of proper persons to direct agricultural operations, the land, even during the first few years, would have been turned to good account if the working population had been supplied with the necessaries of life.

Importance of proper rations.

* "When the marines, who became settlers before and at the relief of the detachment, were discharged for that purpose, they would have suffered great difficulties from the want of public money to pay what was due to them, had not the Commissary taken their respective powers-of-attorney, and given them notes on himself, payable either in cash, or in articles which might be the means of rendering them comfortable, and of which he had procured a large supply from Calcutta. These notes passed through various hands in traffic among the people of the description they were intended to serve, and became a species of currency, which was found very convenient to them."—Collins, vol. i, p. 246.

1792 But, during the greater part of Phillip's term, the convicts lived in a state of semi-starvation, and were incapable of any considerable manual exertion. The failure which attended Phillip's strenuous and persevering efforts cannot be understood, nor can the responsibility for that failure be placed where it should properly rest, unless the circumstances under which the settlement was supplied with food and other necessaries are carefully studied.

PHILLIP RESIGNS.

On the 11th October, 1792, Phillip wrote to Dundas, intimating that it had become necessary for him to give up the charge of the Government, at least for a time, but as he did not feel sure, from the nature of a communication he had just received, whether he had permission to return to England or not, he had determined to "wait the arrival of the next ships."* He had been for some time anxious to return to England. In April, 1790, he applied for a year's leave of absence, to enable him to attend to private affairs; and on the 25th March, 1791, he renewed the request on the ground of ill-health. He had suffered greatly from hard work, privation, and exposure,† and the change was highly necessary. In November, 1791, finding himself no better, he requested permission to resign the government, so that he might return to England in hopes of finding that relief which this country did not afford. It is to be noticed that, in the letter written nearly a year later, Phillip did not speak of resignation, but only pointed out that it had become necessary to give up his charge, "at least for a time." He could not tell then whether he would ever be able to go back to the work which failing health obliged him to relinquish, but when he sailed from Port Jackson in December, 1792, he left the colony never to return. At Sydney his departure seems to have been regarded as final. His intention to return to England, which was made known about the end of October, excited, Collins says, "no small

1792

Phillip applies for permission to return to England.

His health failing.

Uncertainty of his return.

* Historical Records, vol. i, part 2, p. 666.
† Vol. i, p. 305.

1792 degree of concern in the settlement." Phillip went on board the Atlantic on the evening of the 10th December, and early the next morning the vessel sailed for England. Collins gives a brief account of his departure :—

Sails in the Atlantic.

"His Excellency, at embarking on board the Atlantic, was received near the wharf on the east side (where the boat was lying) by Major Grose, at the head of the New South Wales Corps, who paid him, as he passed, the honours due to his rank and situation in the colony. He was attended by the officers of the civil department, and the three marine officers who were to accompany him to England. At daylight on the morning of the 11th [December] the Atlantic was got under way, and by eight o'clock was clear of the Heads."*

Military honours.

Officers of marines.

The officers of marines referred to by Collins were Lieutenants John Poulden (who was in charge of a small detachment), Thomas Davey, and Thomas Timins. With the exception of Captain Collins, Judge-Advocate, and Captain-Lieutenant George Johnston, the other officers of the Marine Corps, with the bulk of the men, returned to England by the Gorgon and Supply, in December, 1791. Captain-Lieutenant Johnston remained for the purpose of taking command of the extra company which was raised by Phillip from the marines who had been discharged, and was attached to the New South Wales Corps.† Phillip took with him two natives, who afterwards returned to the colony.‡

Captain-Lieutenant Johnston.

Phillip had now severed his connection with the colony, but the work he had accomplished remained as a monument to his energy and perseverance. He had overcome many difficulties, and when he sailed for England there was a fair prospect of better times. Notwithstanding the serious disadvantages under which the colony laboured, leading to

State of the colony at Phillip's departure.

* Collins, vol. i, p. 251.

† Ante pp. 94, 107——Historical Records, vol. i, part 2, p. 662.

‡ "With the Governor there embarked, voluntarily and cheerfully, two natives of this country, Bennillong and Yem-mer-ra-wan-nie, two men who were much attached to his person; and who withstood at the moment of their departure the united distress of their wives, and the dismal lamentations of their friends, to accompany him to England, a place that they well knew was at a great distance from them."—Collins, vol. i, p. 251.



MAJOR JOHNSTON.

Reproduced by Heliotype from an original oil painting.

the failure of the plans he had formed, considerable progress had been made during the last year of his government, not only in the cultivation of the land, but in the erection of buildings for the accommodation of the people. As settlers presented themselves they were put in possession of allotments of land at Parramatta, Prospect Hill, and the Field of Mars.* 1792

Phillip had no time to write detailed reports on the progress of agriculture; but Collins, who watched closely all that took place, describes in his book how well the industrious settlers fared. In May, "the settlers were found in general to be doing very well, their farms promising to place them shortly in a state of independence on the public stores in the articles of provisions and grain." "Several of the settlers who had farms at or near Parramatta, notwithstanding the extreme drought of the season preceding the sowing of their corn, had such crops that they found themselves enabled to take off from the public store, some one and others two convicts, to assist in preparing their grounds for the next season."† In June, according to the same authority, the ground sown with wheat and prepared for maize was of sufficient area, even if the yield per acre did not exceed that of the previous season, to produce enough grain for a year's consumption.‡ Prosperous settlers.

The last return relating to agriculture which was prepared prior to Phillip's departure was dated 16th October, 1792. At that time the total area under cultivation was 1,540½ acres; of this, 1,012¾ acres were on public account, and 527¾ belonged to settlers. In November, 1791, 780 acres were in cultivation, so that, approximately, the area under cultivation had been doubled in twelve months. These Agricultural statistics.

* "Early in the month [February 1792], eight settlers from the marines received their grants of land, situated on the north side of the harbour, near the Flats, and named by the Governor the Field of Mars."—Collins, vol. i, p. 201.

† Ib., p. 212.

‡ Ib., p. 216. In October there was every prospect of an abundant harvest. Ib., p. 242.

1792 figures do not include land which had been cleared of timber ready for cultivation, consisting in 1791 of 138½ acres, and in 1792 of 162½ acres.*

It may be said that agriculture, as an industrial pursuit, was now fairly launched. All difficulties had not been surmounted, but the chief obstacle—the want of food—had been temporarily removed, and there was reason to suppose that minor impediments, such as the want of tools and appliances, would soon be overcome. There was one great drawback—the scarcity of live stock. What the Government possessed was not enough, as Phillip had pointed out, for one good farm,† and there was no immediate prospect of obtaining fresh importations. Phillip had been obliged to place people on the land without giving them the stock they had been promised, and he frequently referred with regret to this circumstance in his despatches. On his departure he gave some sheep to the settlers, for breeding purposes ;‡ but some of them were undeserving of the kindness shown to them. Instead of preserving the stock and allowing it to increase, they bartered it for liquor or slaughtered it for food.

Scarcity of live stock.

Improvident settlers.

Although Phillip's despatches show that a large proportion of the convict population was employed in erecting public buildings,§ they contain little information as to the work done in this direction during the year. It may be seen from Collins's account, however, that a good deal was accomplished. In April, 1792, the foundations of "two material buildings" were laid at Parramatta—a town-hall and a

Public buildings

at Parramatta.

* Appendix C.

† Ante, p. 167.

‡ "Of the sheep, the Governor gave to each of the married settlers from the convicts, and to each settler from the marines, and from the Sirius, one ewe for the purpose of breeding; and to others he gave such female goats as could be spared. This stock had been procured at much expense; and his Excellency hoped that the people among whom he left it would see the advantage it might prove to them, and cherish it accordingly."—Collins, vol. i, p. 251.

§ According to his despatch of the 4th October, 1792, there were only four hundred and fifty men available for agriculture, including those to be given to officers and settlers.—Historical Records, vol. i, part 2, p. 654.

hospital. The former was to "include a market-place," for the sale of produce and general merchandise. The hospital, which had two wards, was finished in November, and was at once occupied; the town-hall was in progress at the end of the year. In September the erection of new barracks at Sydney, "on the high ground at the head of the Cove," was commenced.* Among works of minor importance carried out during the year, Collins mentions the building of brick huts for the convicts, to take the place of the "miserable hovels occupied by many," and the construction at Sydney of a tank capable of holding nearly 8,000 gallons of water. 1792 At Sydney.

On the whole, the colony, when Phillip departed, was in a better condition than might have been expected. It still suffered from many disadvantages, but, considering the extraordinary difficulties that were met with, the wonder is that so much had been achieved. Phillip, at any rate, had no reason to reproach himself. He had done his best, and he had done well. The obstacles that were placed in his way by the errors of some and the opposition of others, and the disappointments that came upon him one after the other, were enough to sour the temper and damp the courage of any ordinary man; but Phillip's equable disposition and sanguine temperament enabled him to pass through the trying ordeal with infinite credit to himself and profit to the colony. No matter how great the difficulties, or how dark the prospect, he never lost heart. His energy was unflagging, and he spared no effort to promote the affairs of the settlement, giving personal attention to matters which other men would have been content to hand over to the care of subordinates. In dealing with the obstruction offered by the marine officers, his prudence and moderation averted a serious complication. Phillip's achievements. Difficulties in his path. His energy and prudence.

* "This month was fixed for beginning the new barracks. For the private soldiers there were to be five buildings, each one hundred feet by twenty-four in front, and connected by a slight brick wall. At each end were to be two apartments for officers, seventy-five feet by eighteen; each apartment containing four rooms for their accommodation, with a passage of sixteen feet."—Collins, vol. i, p. 231.

1792 The value of Phillip's services can hardly be over-
Value of his services. estimated. He founded a great colony, established branch settlements at Norfolk Island, Parramatta, and Toongabbie, and, in the teeth of enormous difficulties, brought nearly two thousand acres of land into cultivation, placing the people in such a position that they were able, shortly afterwards, to grow enough corn for their own consumption.
Exploration. The country had been explored, so far as circumstances would permit, and the establishment of new settlements on the fertile banks of the Hawkesbury had only been deferred because there was no one competent to take charge of an important station so far removed from the seat of authority. It must be borne in mind that the work done in Phillip's time was performed by a population of less than four thousand men,* a large percentage of whom were soldiers, while a number were employed as servants by the officers.
Unfavourable conditions. Of the remainder, a great many were sick and helpless, while the population, from November, 1789, to July, 1792, lived upon a short allowance of food, barely sufficient sometimes to sustain life. Having regard to the unfavourable and trying circumstances in which he was placed, it must be allowed that Phillip, when he retired from the government in broken health, had done far more than could have been expected. He had struggled gallantly and successfully against adverse conditions, and he returned to England with a high and well-earned reputation.

Although he had left the colony, he was still Governor of New South Wales, but a few months after his arrival in
Phillip's resignation. London he sent in his resignation. Life in a convict settlement a hundred years ago was certainly attended with many undesirable surroundings, and yet Phillip seems to have written the letter which put an end to the connection with a great deal of reluctance. Writing to Dundas on the 23rd July, 1793, he said :—

"It is, sir, with the greatest regret that I ask to resign a charge which, after six years' care and anxiety, is brought to the state

* Most of them arrived by the Second and Third Fleets, in 1790 and 1791.

in which I left it. But I have the consolation of believing that I have discharged the trust reposed in me to the satisfaction of his Majesty's Ministry, and hope that I may still be of service to a colony in which I feel myself so greatly interested."* 1792

This letter conveys the impression that he would have liked to go on with the work he had commenced so well, but the state of his health put his return to the colony out of the question. He had endured privations which the Governor of the colony had to bear in common with everyone else; he had been severely wounded with a spear thrown by a native at Manly; and he had suffered from exposure to the weather on exploring expeditions. His constitution was shaken. He was troubled, moreover, with an ailment which required treatment that could not be obtained in the colony, and, acting upon professional advice, he determined to remain in England. Occasioned by ill-health.

His resignation was accepted by the British Government with regret, and his services were acknowledged by the grant of a pension of £500 per annum, equal to one-half of the salary he had enjoyed as Governor. This well-earned reward was not the only mark of favour he received. When he left England he was Post-Captain in the Navy; after his return he was advanced to the rank of Admiral, a position which he held until his death, on 31st August, 1814.† A pension granted him.

* Historical Records, vol. ii, p. 59.

† "On 1st January, 1801, he [Phillip] was promoted to the rank of Rear-Admiral of the Blue Squadron; on the 2nd April, 1804, he was made Rear of the White; on the 9th November, 1805, Rear of the Red; on the 25th October, 1809, Vice of the White; and on the 31st July, 1810, Vice of the Red."—Naval Chronicle, vol. xxvii., p. 9.

LIEUTENANT-GOVERNOR GROSE.

1792-94 A CHANGE OF GOVERNMENT.

Major Grose assumes command

On Phillip's departure the direction of affairs passed into the hands of Major Grose, Commandant of the New South Wales Corps and Lieutenant-Governor of the colony.* The arrangement was a temporary one, rendered necessary by the circumstances which obliged Phillip to return to England before his successor had been appointed, but it lasted for two years—from the 11th December, 1792, to the 17th December, 1794. There is no reason to suppose that Grose wished to become Governor of the colony, or that his appointment to that office was contemplated by the Government. Nothing had occurred to bring about a change in the policy originally pursued, under which the control of the settlement was placed in the hands of a naval in preference to a military officer, and it must have been well understood by Grose that the supreme power would rest in his hands for only a limited period. In these circumstances it might have been expected that he would have administered affairs as nearly as possible on the lines laid down by his predecessor, in accordance with the Commission and Instructions from which authority was derived. Instead of doing that, one of his first public acts was to introduce into the administration of civil affairs the forms and procedure peculiar to a military *régime*.†

pending the appointment of Phillip's successor.

A military *régime*.

* Grose succeeded Major Ross in the Lieutenant-Governorship. Although he did not leave England until the autumn of 1791, his Commission is dated 2nd November, 1789.

† "Major Grose was, after a time, succeeded as Lieutenant-Governor by Captain Paterson, and during the principal part of the period of the rule of these two officers—nearly three years—the government of the settlement was practically a military despotism, of which the officers of the New South Wales Corps were the administrators."—Bennett, History of Australian Discovery

1792-94

Justice had been administered by Phillip in accordance with the letter and spirit of his Commission and Instructions. Serious crimes, for which capital punishment might be inflicted, were dealt with by the Court of Criminal Jurisdiction ;* minor offences were inquired into by Justices of the Peace, whose decisions were reported to the Governor.

Administration of justice under Phillip.

The Governor, Lieutenant-Governor, and Judge-Advocate were Justices of the Peace *ex officio*; but the ordinary magisterial duties of the settlement were discharged by the Rev. R. Johnson (Chaplain), Mr. Augustus Alt (Surveyor-General), and Mr. Richard Atkins† (Registrar of the Vice-Admiralty Court), who had been appointed Justices of the Peace by Phillip, under the authority of his Commission. Major Grose did not touch the Criminal Court, but with a stroke of the pen he abolished the magistracy. He did not go so far as to cancel the appointments Phillip had made, but he deprived the Justices of their powers, and transferred the magisterial function to the officers of the New South Wales Corps. The circumstances under which the change took place, and the purpose with which it was made, are described at length by the Judge-Advocate.‡

Justices of the Peace.

Innovations by Grose.

Whatever may have been the motive for making this vital alteration in the government, it is apparent that it was done deliberately. This is shown by the fact that the assumption of office, which took place immediately after Phillip's departure, and the promulgation of the order transferring the magisterial duties at Parramatta from the Justices of the

A deliberate act.

and Colonisation, p. 171. Writing to Hunter on the 5th July, 1798, the Rev. R. Johnson, Chaplain of the Colony, said:—"But no sooner had Governor Phillip left ye colony than I was convinced that the plan or measures of Government were about to undergo an intire change. The civil magistrates, within two days, received an order that their duty would in future be dispensed with, and from that time until your Excellency's arrival again in the colony everything was conducted in a kind of military manner. This, I believe, was the first step towards overturning all those attempts and endeavours that had hitherto been planned and pursued for ye establishment of good order to be kept up amongst the different ranks and orders of the inhabitants of ye colony."

* Vol. i, pp. 212–215.

† Afterwards appointed Judge-Advocate.

‡ Collins, vol. i, pp. 252–254.

1792-94 Peace to Captain Foveaux, occurred simultaneously. Apparently, Grose, who was aware two months before the event that he would be left in charge,* had laid down in his mind the system upon which he intended to administer the government. In all probability he had consulted his staff on the subject. This is the more likely, because the change of plan would necessarily throw additional work upon the military officers, and work of a distasteful kind. The marine officers in Ross's time refused to have anything to do with the control of the criminal population, notwithstanding Phillip's appeals for assistance;† but Grose's innovations entailed far more trouble to the military than would have been caused by compliance with Phillip's simple request to the marine officers that they would keep an eye on the convicts, and communicate the result of their observations. It can scarcely be doubted that a consultation of some sort took place, and that Grose was assured of the support of his officers before he ventured upon so radical a change in the form of government.

Attitude of the military

Unfortunately, we are not in possession of Grose's reasons for doing away with the civil authority. They ought to have been communicated to the British Government at the earliest opportunity; but neither in the first despatch written by Grose in his capacity of Lieutenant-Governor, nor in any other communication that has been discovered, is there a word on the subject. In his first despatch to Dundas, 9th January, 1793,‡ Grose reported his assumption of the government, and referred to various matters of more or less consequence; but there is not even a hint in this communication that he had made any material change in the government.

Grose's silence

It is not to be supposed that Grose endeavoured to hide from the British Government the important change he had

* Phillip's determination to return to England was known as early as October.

† See Vol. i, pp. 108, 109, 292, 293, 314, 315, 352, 353; Historical Records, vol. i, part 2, p. 138.

‡ Historical Records, vol. ii, p. 1.

made; whatever weak points he had, Grose was straightforward in his dealings. His letters and despatches show that he was always ready to speak his mind. Besides, concealment would have been impossible. Copies of the Orders issued would doubtless be sent to England, and there was a constant stream of correspondence between the officials at Sydney Cove and their friends in England. Many of the letters sent Home found their way into the newspapers, and a matter of this sort could not have escaped attention. It is not likely that Grose attempted to deceive anyone. Strange as it may appear at this time, when the consequences of his ill-considered action are understood and realised, the fact seems to be that Grose considered it unnecessary to report to the Home Office the alterations he had introduced. He appears to have regarded it as a matter of local administration, chiefly affecting the convicts, which did not concern the authorities in England; and as the military command and the Governorship of the colony were now vested in one and the same person, he apparently thought that it was no longer necessary to keep up the distinction between the civil and the military authority. If he had examined Phillip's Commission of April, 1789,* as it was his duty to do, seeing that he had been called upon to administer the affairs of the settlement under its authority, he would have found that in superseding the civil magistrates he had been guilty of disobedience to the authority under which he acted. It was never the intention of the British Government to invest the military with the functions that properly belonged to the civil tribunals. The Courts of Criminal and Civil Jurisdiction were constituted by Letters Patent under an Act of Parliament; the establishment of a Magistrate's Court was provided for in Phillip's Commission, which contained this clause:—

1792-94

evidently not intentional.

Impossibility of concealment.

The apparent explanation.

An unauthorised act.

Policy of the Government.

"And we do hereby authorise and empower you to constitute and appoint Justices of the Peace, coroners, constables, and other

* Vol. i, pp. 474–480.

1792-94 necessary officers and ministers in our said territory and its dependencies, for the better administration of justice, and putting the law in execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the execution and performance of offices and places."

Letters Patent establishing the Courts of Law* gave to these Justices equal powers to those possessed by Justices of the Peace in England.

Establishment of a civil tribunal.

It is clear, from these two documents, that the Government contemplated the establishment in the colony of a civil magistracy which should exercise the powers belonging to that office under the English law. In appointing Justices, Phillip carried out his instructions, and, until Grose interposed, magisterial duties were discharged in the manner prescribed, and the system had worked well. It is difficult to understand how Grose came to overlook the fact that in abolishing the civil magistracy he was in reality disobeying the Royal Instructions, which were as binding upon the temporary administrator of the government as they were upon the Governor to whom they were issued. If it had been intended that the colony should be subject entirely to military rule, provisions for the appointment of Justices of the Peace, who were to exercise the powers of English magistrates, and in the same manner, would certainly not have appeared in the Commission and Letters Patent. Grose either misunderstood them, or regarded the employment of Justices as something within the discretion of the Governor.

Grose's action discussed.

His caution in other matters.

In so doing he incurred a great responsibility, of which, however, he appears to have been quite unconscious. In other matters he was over-cautious. Writing to Dundas on the 3rd September, 1793,† he explained the circumstances under which it had become necessary to buy food for the people, and added:—"I cannot but be alarmed at all I purchase, and everything I do, being unaccustomed to business, and fearful of acting so much from my own discretion." It

* Vol. i, pp. 531–537. † Historical Records, vol. ii, p. 63.

is singular, to say the least of it, that an officer who was afraid to act upon his own judgment in such a matter as the purchase of provisions, should have issued, at the very first opportunity, an Order which made a momentous change in the government of the country. 1792-94

Simultaneously with the change of government, Grose made an alteration in the distribution of food from the stores. Under Phillip's rule no distinction had been made between the free and convict classes—every man, from the Governor downwards, received the same quantity of provisions. This practice, which had commended itself to Phillip's humanity, was highly disapproved of by Grose; and he made it the subject of one of his earliest complaints to the War Office.* Of course, if the full ration had been served to all, there would have been no cause for dissatisfaction; but Grose protested against a system under which reductions were made to apply to the soldiers as well as to the convicts. And, accordingly, when he took Phillip's place, he lost no time in making a change. In his second despatch to Dundas, 16th February, 1793,† he announced that he had "considered it expedient, while on a reduced ration, to make some little distinctions between the convicts and the civil and military people." When the full ration could be issued, he explained, no difference would be made. The "little distinctions" applied to two articles—flour and rice—the former being the most important article issued from the public store. Shortly before sailing for England, Phillip had fixed the weekly ration of flour and rice at 3 lb. of the former and 5 lb. of the latter. The alteration made by Grose was that the civil and military officers, soldiers, superintendents, watchmen, overseers, and the settlers from the marines were allowed 6 lb. of flour and 2 lb. of rice per week, while the convicts and the settlers from the convict class continued to receive 3 lb. of flour and 5 lb. of

Phillip's policy in regard to the rations.

Distinctions made by Grose.

* Historical Records, vol. i, part 2, p. 672.
† Historical Records, vol. ii, p. 13.

1792-94

rice.* This "little distinction" must have been severely felt by the convicts. Flour, for which no satisfactory substitute could be found, was the mainstay of the ration. The quantity now issued to the military was below the full ration, which consisted of 8 lb. per week; but that received by the convicts was little better than a starvation allowance, consisting, as it did, of less than half a pound a day. But they fared still worse before the year had expired, for supplies running short, the ration of flour or biscuit for the civil and military was cut down to 2 lb. for seven days, while the convicts received—for the first time since the establishment of the colony—none whatever.†

Convicts' rations.

Attitude of the Government.

No notice was taken by the British Government of the new policy adopted in giving the convicts a smaller ration than that supplied to the rest of the people. Ministers had many matters of far more importance on their hands, and they were probably content to allow Grose, for the limited time he was in charge, to govern the colony in his own way.

Grose's policy discussed.

It may be contended by some that Grose was right in his belief that the privations incidental to a newly-founded settlement should not fall equally upon those who had injured and those who were serving the State. Phillip, however, viewed the question from another standpoint. The convicts, he contended, were required to do active and laborious work in erecting necessary buildings and in tilling the soil. The cultivation of the land was an object of special importance. Men employed in this work required a larger quantity of food than those engaged in the duties which required little or no physical exertion, and a reduction of the convicts' ration below that of the other classes would have defeated, or at all events interfered with, the object in view. There was another consideration. If good work was

Folly of reducing convicts' rations.

* The change, according to Collins, was made on the first day for issuing provisions under Grose's government, viz., the 17th December, 1792.

† Collins, vol. i, p. 323.

to be got out of the convicts, it was necessary that they should not only be well fed, but made contented with their lot. The probability is that if Grose's plan had been acted upon at all times, and under all circumstances, serious trouble would have ensued. Fortunately, although the supply of food in Grose's time was occasionally very low, the period of want was not prolonged, and the danger that menaced the settlement soon passed away. 1792-94

FOOD SUPPLIES UNDER GROSE.

1793 GROSE found, as Phillip had done, that one of the principal difficulties he had to contend with was the impossibility of keeping up regular supplies of food. This was owing partly to the intermittent nature of the supplies received from England, and partly to the uncertainty and length of the voyage. During the two years comprehended in Grose's Lieutenant-Governorship the prospects were alternately bright and gloomy. On one occasion such a quantity of stores were on hand that a cargo of provisions offered by the owner of a trading vessel, which arrived at Sydney on a voyage of speculation, was refused; a year later the entire stock had been expended, and the stores closed a few hours before the arrival of a storeship from England, and there was actually nothing to save the people from starvation but the maize in the fields.

Intermittent supplies.

Years of plenty and of famine.

At first Grose had no reason to feel anxiety. When Phillip left Sydney, on the 11th December, 1792, the stock of food was low, but on the 24th an American vessel, the Hope, arrived with a cargo of provisions, which was purchased for the use of the settlement; on the 16th of the following month the transport Bellona entered the harbour with further supplies; and on the 16th February, 1793, Grose reported that, although he did not feel justified in issuing a full ration, this was only a matter of precaution, for the stores contained "five months' flour and ten months' beef and pork, without including the wheat that is reaped or the Indian corn we are about to gather."* At this time

State of the stores at Phillip's departure.

Additional supplies from England

* Historical Records, vol. ii, p. 13.

the colony suffered very much from the want of tools and implements, especially axes and saws, without which the clearing of the land could not proceed. Shortly after the Bellona arrived, the Shah Hormuzear came in with provisions, which were added to the public stock. This vessel had been loaded at Calcutta with the approval of the Governor-General of India, who seems to have thought, according to Grose, that "this mode of conveying stores was preferable to taking up a ship."* The settlement was not at this time in want of provisions, and there was every appearance of an abundant harvest. But as the months went by without bringing any fresh ships from England, the situation again became critical; and to make matters worse, the crops, owing to the dryness of the season, failed. "Our corn,"† said Grose, writing on the 30th May, 1793, "which once flattered us with the most luxuriant appearance, has, for want of timely rain, been parched and withered to almost nothing, and instead of the twenty bushels an acre which were expected, we must content ourselves with six."‡ While expressing uneasiness lest he might have been considered as "too premature" in purchasing provisions, Grose pointed out that but for the "accidental supplies" which these purchases comprised "the colony would at this time experience the severity of a very reduced allowance." He does not appear to have been aware that he was expected to purchase the cargoes of food that might be despatched from Calcutta, and that the British Government was relying largely on the

1793

and India.

Failure of crops.

Purchase of casual supplies.

* The amount expended by Grose in the purchase of this cargo, or rather the sum for which he drew bills on the Treasury in London, was £9,603 5s. 6d. Collins thought it necessary to account for so large a transaction with a private trader:—"Although a supply of provisions had been lately received from England, it was but a small one, and we were not yet in possession of that plenty which would have warranted our rejecting a cargo of provisions, particularly when brought on speculation. The hour of distress might again arrive, and occasions might occur that would excite a wish, perhaps in vain, for a cargo of provisions from Bengal."—Collins, vol. i, p. 271.

† The word "corn," as used in the despatches, usually signifies Indian corn or maize, but sometimes it applies to wheat. In this case the maize crop is referred to; the wheat produced from seventeen to eighteen bushels per acre.

‡ Historical Records, vol. ii, p. 29.

1793 supplies which it was expected would be sent from that place.* He was enlightened on the subject shortly afterwards by the arrival of a despatch from Dundas; and in August, no storeship having arrived from England, and, influenced by the probability that war might interfere with the movements of the transports, Grose chartered the Britannia, Mr. William Raven, commander, and sent her to Calcutta for provisions.†

The Britannia chartered.

Towards the end of June it became necessary to cut down the ration. The arrival of the Boddingtons on the 7th August did not improve the condition of affairs, for she brought a number of convicts, but very little food—salt provisions for only fourteen weeks at the full ration. By the Boddingtons, information was received that a sister-vessel, the Sugar-cane, might be expected almost at once, but as she was supposed to be no better freighted with provisions than the Boddingtons, the intelligence was not received with much satisfaction. The Sugar-cane arrived on the 17th September with stores, but the quantity, as had been supposed, was small. The voyages of this vessel and the Boddingtons were remarkable for the fact that only one death occurred among the convicts, and that there was scarcely any sickness on board.‡ The convicts who came out by the Boddingtons, according to Collins, bore testimony to the "humane treatment" they had received from the master, Captain Chalmers, and cheered him as they left the vessel for the shore. So far as can be ascertained, the convicts on board the Sugar-cane were treated with equal humanity;§ but they were a disorderly lot of men, and

Ration reduced.

Arrival of more convicts.

Their humane treatment on the voyage.

* Ante, p. 213.

† Grose had in his mind the impending war with France. War between England and the Republic was declared in February, 1793, but the fact was not known in the colony until the arrival of the Boddingtons in August.

‡ See ante, p. 67.

§ They were certainly well fed and cared for. In reporting the arrival of the Sugar-cane to Dundas, 12th October, 1793, Grose says:—"The contractor, as well in this ship as the Boddingtons, appears to have performed his engagement with great liberality; and the prisoners they have conveyed prove by their healthy appearance the extraordinary attention that must have been paid by the naval agents."—Historical Records, vol. ii, p. 69.

an attempt was made by a number of them to seize the ship. Before they could put their design into execution the mutineers were secured, and one of them hanged; the others were punished with the lash.* 1794

No other vessel arrived from England until the 10th March, 1794, when the William anchored in Sydney Cove with a large supply of salt beef and pork, but no flour. On the same day a small vessel, the Arthur, a brig of ninety-five tons, arrived from Bengal with a cargo of salt beef, pork, sugar, and rum. The salt meat was purchased by Government, while the sugar and rum were sold to private persons. In the meantime the settlement had suffered considerably from the short supply of food, particularly flour. Supplies by the William and Arthur.

Grose, who does not appear to have written any despatch to the Home Department between the 12th October, 1793, and the 29th April, 1794, reported in a communication of the latter date the arrival of the William on the 8th March, 1794, and remarked that all the provisions had been issued from the stores a few hours before she was sighted. The stores having been replenished, Grose was anxious to represent matters in the best possible light; he informed the Secretary of State that:— An opportune relief.

"As all our provisions were issued from the stores about six hours before she [the William] appeared in sight, I am apprehensive that from this circumstance our situation may be represented to be more desperate than it really was. It is, therefore, requisite that I should inform you that our Indian corn was at that time ripe, and that the publick and private farms had yielded in such abundance as to secure us from any other distress than that of being forced to live on bread only."† An empty provision-store.

* Collins attributes the mutiny to the fact that a small and untrustworthy guard (a sergeant's party) was expected to keep under control a peculiarly rebellious set of prisoners:—"As intentions of this kind [the seizure of vessels by convicts] had been talked of in several ships, the military guard should never have been less than an officer's command, and that guard (especially when embarked for the security of a ship full of wild lawless Irish) ought never to have been composed either of young soldiers or of deserters from other corps."—Collins, vol. i, p. 311.

† Historical Records, vol. ii, p. 207.

1794

Bread and water.

It may be doubted whether Grose would have taken up his pen in the same cheerful state of mind if he had been obliged to live for a few weeks or months on dry bread and dishes made from Indian corn; and however he might have fared under such conditions, the absence of animal food would have been severely felt by the convicts, who had to labour in the fields. Collins did not view the situation with any degree of complacency. Writing of the state of affairs at the beginning of March, shortly before the William arrived, he said:—

"The provision-store was never in so reduced a state as at this time; one serving of salt meat alone remained, and that was to be the food of only half a week. After that period, the prospect, unless we were speedily relieved, was miserable; mere bread and water appeared to be the portion of by far the greater part of the inhabitants of these settlements, of that part, too, whose bodily labour must be called forth to restore plenty."*

Condition of the colony.

Collins, at all events, appreciated the hardship which would have been caused by the absence of animal food, if Grose did not. But when the Lieutenant-Governor told Dundas that the only distress that would have been felt from the non-arrival of the William would have been the necessity of living on bread alone, he did not accurately describe the situation. It is true that there was plenty of wheat and maize in the fields, but there was no flour from which to make bread, and there were no adequate means for turning the corn into flour. Hand-mills had been sent out, but the number was small, and they were only capable, with the expenditure of infinite labour, of grinding small quantities of grain. Efforts had been made to erect large mills at Sydney and Parramatta, but so far with indifferent success. To what extent the colony was in a position to supply itself with "bread" may be seen from Collins's narrative. In November, 1793, four months before the crisis had arrived, the convicts for the first time received a ration in which

Wheat and corn, but no flour.

* Collins, vol. i, p. 351.

there was no flour or biscuit, while the allowance of these articles of food to the free population was reduced to two pounds per week per head. Wheat and maize were issued, but until the grain had been ground it could not be made into bread. The convicts had, therefore, to take their ration to the mills, and wait until they could obtain the equivalent in flour or maize-meal. They had to wait a long time. The mills were kept going night and day, but they were unequal to the demands made upon them. Some of the convicts, after spending the night at the mills in the vain expectation of receiving a pound or two of flour, went to their work in the morning with unground wheat and maize for food.* It is evident from this that Grose's letter (from which Dundas would naturally conclude there was abundance of bread in the settlement) was calculated to convey a very erroneous impression.

1793

A diminishing ration.

Flour-mills inadequate.

A month later the last of the flour had been used, and, as regards this part of the ration, the civil and the military were no better off than the convicts.† The arrangements

The last ration of flour.

* "On Saturday, the 23rd [November, 1793], the flour and rice in store being nearly expended, the ration was altered to the following proportion of those articles, viz. :—

To the officers, civil and military, soldiers, overseers, and the settlers from free people, were served—

Of Biscuit or flour	2 pounds.
„ Wheat...	2 „
„ Indian corn	5 „
„ Pease	3 pints.

To the male convicts were served, women and children receiving in the proportions always observed :—

(Of biscuit or flour, none—and for the first time since the establishment of the colony)	
„ Wheat	3 pounds.
„ Indian corn	5 „
„ Paddy...	2 pints.
„ Gram...	2 „

This was universally felt as the worst ration that had ever been served from his Majesty's stores ; and by the labouring convicts particularly so, as no one article of grain was so prepared for him as to be immediately made use of."—Collins, vol. i, p. 323.

† "Notwithstanding every supply of flour which had been purchased or received into the store from England, it was at length entirely exhausted ; the civil and military receiving the last on Monday the 9th [December, 1793]. This total deprivation of so valuable, so essential an article in the food of

1794 for grinding corn had now improved somewhat, but the mills were overtaxed, and the people had to receive their grain coarsely ground. In this shape it could not have been very palatable; but there was plenty of it. To relieve the want caused by the scarcity of animal food, a few hogs were slaughtered, and served in place of salt pork. Fresh meat was an almost unheard-of delicacy in the colony,* and one would have thought that this little change in diet would have been eagerly welcomed. Yet, if Collins's account is correct, the people preferred salt pork to fresh; not because they liked it better, but because it would last longer.

A delicacy.

The arrival of the William rendered it unnecessary to put the people on a diet of bread and water, and before the provisions she brought were exhausted two other storeships from England, the Indispensable and Speedy, came into port, besides the Britannia, which had been chartered to bring stores from India, but had been obliged to change her course and go to Batavia instead.† The Indispensable arrived on the 24th May. She was the first of a fleet of six or seven ships which were to sail from England with stores and provisions, and were expected to arrive in the course of two months. The provisions and clothing she

Arrival of storeships.

Provisions and clothing.

man, happened, fortunately, at a season when its place could in some measure be supplied immediately, the harvest having been all safely got in at Toongabbie by the beginning of this month. About the middle of it, eight hundred bushels were threshed out, and on Monday the 16th the civil and military received each seven pounds of wheat coarsely ground at the mill at Parramatta."—Collins, vol. i, p. 326.

* "About the middle of the month [January, 1794] one small cow and a Bengal steer, both private property, were killed and issued to the non-commissioned officers and privates of two companies of the New South Wales Corps. This was but the third time that fresh beef had been tasted by the colonists of this country; once, it may be remembered, in the year 1788; and a second time when the Lieutenant-Governor and the officers of the settlement were entertained by the Spanish captains. At that time, however, had we not been informed that we were eating beef, we should never have discovered it by the flavour; and it certainly happened to more than one Englishman that day, to eat his favourite viand without recognising the taste. . . . The beef that was killed at this time was deemed worth eighteenpence per pound, and at that price was sold to the soldiers. The two animals together weighed three hundred and seventy-two pounds."—Ib., p. 338.

† She was attacked in the Straits of Malacca by pirates, from whom she escaped after a six hours' engagement.

brought were sufficient, with those received by the William, to supply the wants of the colony for twelve months.* On the 8th June the Speedy arrived with further supplies, and the stores were now so well filled that when the Halcyon arrived a little later with a cargo of provisions, spirits, &c., from America, Grose refused to make any purchases. The goods, however, were sold to the officers. Another American vessel, the Hope, which arrived on the 5th July, had to go back with her cargo unsold, except the spirits, which were bought by the officers. 1794

Abundant supplies.

After the arrival of the Indispensable and Speedy, Grose suffered no anxiety as to the maintenance of the people. But before that he was in a position to write with confidence. In acknowledging the receipt of the supplies brought by the William, he told Dundas, 29th April, 1794, that if a few months' flour were sent the colony would be able in future to supply itself with bread.†

Enterprising officers.

The rapid improvement which had taken place in so short a time in the food-producing power of the colony was attributed by Grose to the energy which the civil and military officers, especially the latter, had shown in cultivating the land which had been allotted to them. The circumstances under which the land was granted to these officers merit special mention.

* On the 27th May the weekly ration consisted of 8 lb. flour, 7 lb. beef or 4 lb. pork, besides Indian corn.

† Historical Records, vol. ii, p. 208.

GROSE AND THE LAND.

1793 THE action of Lieutenant-Governor Grose in issuing a number of land grants to civil and military officers has been condemned by more than one writer. Because Phillip gave no land to the officers, except small plots of garden-ground for temporary use, while Grose issued grants to all who asked for them, it has been assumed that during the latter's term of office there was a sort of land scramble, in which the Lieutenant-Governor and his friends acquired large estates. No sooner had Phillip departed, says one writer, than "those who possessed the power at once commenced to divide the spoil."*

Land grants to officers.

An erroneous impression.

Statements of this kind have been made under a grave misconception. There was no such thing as a division of the "spoil." In issuing grants to officers, Grose did nothing improper. He did not even assume any responsibility; he simply followed his instructions.

As the action taken by Grose in granting land to officers has been contrasted with Phillip's omission to make grants of that kind, it may be as well to repeat here the fact previously stated—that Phillip had no authority to make grants to officers.† If he had been authorised to give land to the officers, he would certainly have done so. As his despatches show, he had no objection to the officers having land; what he declined to do was to give grants before he had received authority to issue them. If, however, he had remained in

Grants by Phillip and Grose.

Why Phillip did not grant land to officers.

* Bennett, History of Australian Discovery and Colonisation, p. 172.
† Ante, p. 119.

the colony a little longer it would have become his duty to issue land grants to officers, for the despatch of 14th July, 1792,* giving the necessary power, was addressed to him, and arrived at Sydney five weeks after his departure. It fell to Grose's lot as administrator of the government to issue the first land grant to an officer, and it seems to have been assumed from this fact that the practice originated with him. 1793

It is also implied that Grose not only did wrong in granting land to officers at all, but that he disposed of the territory to one class of the community in unduly large quantities. The second supposition is as devoid of foundation as the first. An examination of the lists of land grants issued by him shows that he did not unduly favour the military class. In fact, so little value was then placed upon the land that there appears to have been no hesitation in granting it to whoever made application. The grants to the officers, as a rule, did not exceed one hundred acres; the maximum appears to have been one hundred and twenty acres. There was one exception to the rule. Lieutenant Macarthur, according to his own account, had nearly two hundred and fifty acres in cultivation, in 1794, at Parramatta. He may have purchased part of his land from settlers who wanted to get rid of their grants, but in any case he had become entitled to an extra grant for special services. Grose, finding the labour of regularly visiting all the settlements too irksome, placed the Parramatta District in Macarthur's hands, creating for him the appointment of Inspector of Works, which he held in addition to his position in the New South Wales Corps. In reply to a question as to what salary should be attached to the appointment, Grose was informed that the establishment must on no account be increased. No additional salary could be given to Macarthur, but he might be rewarded, Dundas wrote, by an extra grant of land, or an extra allowance of convict

Grants to various classes.

Area of grants.

Macarthur in charge at Parramatta.

* Historical Records, vol. i, part 2, p. 631.

1793

The principal agriculturist.

servants.* It is probable that he was rewarded in both ways. At all events, Macarthur, as a cultivator of the land, soon left his brother-officers far in the rear. Other settlers received much smaller grants. The private soldiers were allowed, as a rule, twenty-five acres, although under the instructions from England they were to receive eighty acres if single, and one hundred acres if married. Some of the applicants for land probably did not care to ask for a larger area than they could conveniently manage.

Conditional grants.

Nothing was said in the despatch of 14th July, 1792, concerning the area of land that might be granted to officers; the only condition laid down was that allotments were to be made "not with a view to a temporary but an established settlement thereon; that is, comprehending such portions of land, and in such situations as would be suitable for a *bonâ-fide* settler, should it ever come into the hands of such a person."†

Acting on this authority, Grose granted to each officer who wished to take up land, allotments of one hundred acres, fifty acres less than the area allowed, by Phillip's Additional

* Historical Records, vol ii, p. 226. Collins (vol i, p. 265) thus explains the reason for the appointment:—"In the course of this month [January, 1793] the Lieutenant-Governor judged it necessary to send an officer to Parramatta whom he could entrust with the direction of the convicts employed there and at Toongabbe in cultivation, as well as to take charge of the public grain. This business had always been executed by one of the superintendents, under the immediate inspection and orders of the Governor, who latterly had dedicated the greatest part of his time and attention to these settlements. But it was attended with infinite fatigue to his Excellency; and the business had now grown so extensive that it became absolutely necessary that the person who might have the regulation of it should reside upon the spot, that he might personally enforce the execution of his orders, and be at all times ready to attend to the various applications which were constantly making from settlers." Mrs. Macarthur, in a letter dated 21st December, 1793, stated that her husband had been appointed to "inspect or superintend the public works. What advantage may accrue from this is at present uncertain, but the Major, in his despatches to Government, has strongly recommended them to confirm the appointment, and to annex to it such a salary as they may conceive equal to the importance of the trust."—Historical Records, vol. ii, p. 507. In 1796, Macarthur resigned the appoinment, because it "occupied the whole of his time," and he had received no allowance for the extra work.—Hunter to Portland, 28 April, 1796.

† Historical Records, vol. i, part 2, p. 632.

Instructions, to non-commissioned officers who had wives, and thirty acres less than he was authorised to grant to unmarried non-commissioned officers.* The result was seen immediately. 1793

Grose reported on the 16th February, 1793,† five weeks after the instructions had reached him, that the officers were making rapid progress with their farms. He informed Dundas that they were doing this "at their own expense," and that he expected in six months to see them with cultivated areas "more than equal to a third of all that has ever been cleared in the colony." To convey a correct impression, Grose ought to have stated that each officer was allowed the services of ten convicts, victualled and clothed from the public store free of any charge; and that, in addition, they were allowed to purchase the services of gangs of convicts, when not employed on Government work, paying for the same with spirits or other articles. Military officers as farmers. Government aid.

Seven months later (September, 1793) Grose reported that the officers were "daily clearing ground to a considerable extent." With his despatch of the 29th April, 1794, he sent a report from the Surveyor-General, which showed that since Phillip's departure 2,962¼ acres had been put in cultivation, of which 982 acres belonged to the civil and military Grose reports progress.

* Grose issued one grant (twenty-five acres to Cummings) before the arrival of the despatch authorising him to give land to officers. Apparently, this was treated as a special case, but the circumstances are not stated in the despatches, which do not even mention the fact. Collins, however, notices the issue of the grant on the 31st December, 1792, and makes the following comments (vol. i, p. 256) :—"In the instructions for granting lands in this country, no mention of officers had yet been made; it was, however, fairly presumed that the officers could not be intended to be precluded from the participation of any advantages which the Crown might have to bestow in the settlements; particularly as the greatest in its gift, the free possession of land, was held out to people who had forfeited their lives before they came into the country." According to Collins, the first land taken up by officers was at a place known then as the "Kangaroo" ground, "situate to the westward of the town of Sydney, between that settlement and Parramatta," where "allotments of one hundred acres each were marked out for the clergyman (who, to obtain a grant here, relinquished his right to cultivate the land allotted for the maintenance of a minister), for the principal surgeon, and for two officers of the corps."—Ib., p. 266.

† Historical Records, vol. ii, p. 14.

1794 officers. In reporting the condition of the colony at this time (April, 1794), Grose said :—

Building operations.

"When Governor Phillip left this country the military officers were suffering in huts of the most miserable description. I have now the satisfaction to say they are all in good barracks.* We have three large mills at work, and you will perceive by the Surveyor-General's return that two thousand nine hundred and sixty-two acres and one-quarter of ground have been cleared during my command."†

Improving prospects.

Grose was justified in writing thus confidently of the condition and prospects of the colony. The difficulties attending a deficient food supply had been removed, cultivation was proceeding at a rapid rate, and live stock was increasing.‡ At about the same time as the officers began to engage in agriculture (February, 1793) the first free settlers from England, who had arrived by the Bellona, were placed upon the land. This vessel was to have brought out the Quaker families which Sutton had agreed to send, but that proposal, for the reasons stated on a previous page,§ was not carried out. The Bellona brought instead of the Quakers five settlers of the farmer class and their families; a millwright named Thorpe, who had been engaged at a salary of £100 per annum; and a former resident, Walter

Free settlers by the Bellona.

* It would have been a fairer statement of the case to say that these barracks were being constructed when Phillip left the colony. Ante, p. 144.

† "The permission given to officers to hold lands had operated powerfully in favour of the colony. They were liberal in their employment of people to cultivate those lands; and such had been their exertions that it appeared by a survey taken in the last month [April] by Mr. Alt that nine hundred and eighty-two acres (982) had been cleared by them since that permission had been received. Mr. Alt reported that there had been cleared since Governor Phillip's departure, in December, 1792, two thousand nine hundred and sixty-two acres and one-quarter (2,962¼), which, added to seventeen hundred and three acres and a half (1,703½) that were cleared at that time, made a total of four thousand six hundred and sixty-five acres and three-quarters of cleared ground in this territory."—Historical Records, vol. ii, p. 208.

‡ "It might be safely pronounced, that the colony never wore so favourable an appearance as at this period; our public stores filled with wholesome provisions; five ships on the seas with additional supplies; and wheat enough in the ground to promise the realising of many a golden dream; a rapidly-increasing stock; a country gradually opening, and improving everywhere upon us as it opened; with a spirit universally prevalent of cultivating it."—Collins, vol. i, p. 375.

§ Ante, p. 130.

Broady, or Brody, who returned to the colony as master-blacksmith. These people having been offered their choice of land, selected a level spot near Parramatta, to which they gave the appropriate name of Liberty Plains.* This settlement was not altogether a success. The settlers fell into an error which seemed to be common at the time—they sowed their wheat too late—and when the crop failed they attributed their disappointment to the unproductiveness of the soil, instead of to their ignorance of the seasons. They were of opinion, Collins says, "that they had made a hasty and bad choice of the situation," but this, he remarks, "was nothing more than the language of disappointment." 1793 Liberty Plains. Disappointed settlers.

It has been assumed that settlement in Grose's time was conducted in a haphazard way, but the supposition is not borne out by facts. Although the despatches throw no light on the subject, the narrative of Collins shows that in settling agriculturists on the soil, Grose located them in accordance with a definite plan. One of his ideas was to form a chain of farms between Sydney and Parramatta, the object being to bring the two centres of population into communication with each other. Most of the grants issued in the early part of 1793, after authority had been received to give land to the officers, were made in accordance with this design.† In October a number of convicts were set to work at Petersham, now a flourishing suburb of Sydney, where Grose's plan of settlement. A chain of farms.

* "The settlers who came out in the Bellona having fixed on a situation at the upper part of the harbour above the Flats, and on the south side, their different allotments were surveyed and marked out; and early in this month [February, 1793] they took possession of their grounds. Being all free people, one convict excepted, who was allowed to settle with them, they gave the appellation of 'Liberty Plains' to the district in which their farms were situated. The most respectable of these people, and apparently the best calculated for a *bonâ-fide* settler, was Thomas Rose, a farmer from Dorsetshire, who came out with his family, consisting of his wife and four children. An allotment of one hundred and twenty acres was marked out for him. With him came also Frederic Meredith, who formerly belonged to the Sirius, Thomas Webb, who also belonged to the Sirius, with his nephew, and Edward Powell, who had formerly been here in the Lady Juliana transport. Powell having since his arrival married a free woman, who came out with the farmer's family, and Webb having brought a wife with him, had allotments of eighty acres marked out for each; the others had sixty each."—Collins, vol. i, p. 267.

† Ib., p. 288.

1793 sixty acres of Government ground were cleared of timber, twenty of which were sown with Indian corn.* In December, 1793, a settlement was made on the Parramatta River, not far from the spot where the Northern Railway bridge now spans it. The place was named Concord, presumably because it was occupied by settlers from the civil and the military classes.† Little information with regard to these settlements is to be obtained from Grose's despatches, which give only an outline of events occurring during his term of office. Unlike Phillip, who took a keen interest in everything that pertained to the settlement, and kept the Home Department well informed even as to matters of detail, Grose seems to have given only a general view of affairs, and reduced his despatches to the smallest possible compass. His communications to the Home Department, which are brevity itself compared with the letters of Phillip, present a striking contrast to those of the Governors who administered affairs during the decade 1795–1805. Hunter and King were inclined to err on the side of prolixity; Grose erred in the opposite direction.

Grose's reticence.

Farms on the Hawkesbury.

In January, 1794, shortly after the allotment of farms at Concord, a settlement was formed on the banks of the Hawkesbury. Phillip, it will be remembered, had contemplated the establishment of a convict settlement at this place, but had postponed the design because there was no competent superintendent whom he could put in charge. For the same reason, possibly, Grose did not send convicts to the Hawkesbury in the first instance.‡

* Collins, vol. i, p. 317.

† "On the 24th [December, 1793] ten grants of land passed the seal of the territory, and received the Lieutenant-Governor's signature. Five allotments of twenty-five acres each, and one of thirty, were given to six non-commissioned officers of the New South Wales Corps, who had chosen an eligible situation nearly midway between Sydney and Parramatta; and who, in conjunction with four other settlers, occupied a district to be distinguished in future by the name of *Concord*. These allotments extended inland from the water's side, within two miles of the district named Liberty Plains." Ib., p. 330.

‡ "Another division of settlers was this month added to the list of those already established. Williams and Ruse, having got rid of the money which they had respectively received for their farms, were permitted, with some

The new settlement was a decided success. Three months after the first landowners had gone into possession, Grose wrote to Dundas, 29th April, 1794:— 1794 Rapid progress.

"I have settled on the banks of the Hawkesbury twenty-two settlers, who seem very much pleased with their farms. They describe the soil as particularly rich, and they inform me whatever they have planted has grown in the greatest luxuriance."*

Collins, under date of April, 1794, made the following allusion to these pioneer settlers upon the banks of the Hawkesbury:—"The best reports continue to be received. . . . Everywhere the settlers found a rich black mould of several feet in depth, and one man had in three months planted and dug a crop of potatoes."† A rich soil.

Although the land at and near Parramatta, according to Superintendent Burton's report,‡ was of fair quality—a fact established by Macarthur's success—it was certainly less productive than the rich soil on the banks of the Hawkesbury. Agriculture at Liberty Plains had not been successful, and in consequence eager eyes were turned to the Hawkesbury, where a crop of potatoes had been grown in so short a space of time. Grose's brief reports were of the most encouraging nature. On the 5th July§ he spoke of luxuriant crops, and on the 31st August he informed Dundas that:— Luxuriant crops.

"The settlers placed on the banks of the Hawkesbury, being seventy in number, are doing exceedingly well. The ground they have already in cultivation has all the appearance of bearing better wheat than has yet been grown in the colony."‖

others, to open ground on the banks of the Hawkesbury, at the distance of about twenty-four miles from Parramatta. They chose for themselves allotments of ground conveniently situated for fresh water, and not much burdened with timber, beginning with much spirit, and forming to themselves very sanguine hopes of success. At the end of the month they had been so active as to have cleared several acres, and were in some forwardness with a few huts."—Collins, vol. i, p. 340.

* Historical Records, vol. ii, p. 210, where a plan showing the locality of these farms will be found.

† Collins, vol. i, p. 364.

‡ Ante, p. 166.

§ Historical Records, vol. ii, p. 238. ‖ Ib., p. 254.

1794 The seventy settlers increased in number rapidly, and the district became before long the most productive of the settlements—so far, at least, as maize was concerned. On one point Grose was seriously in error. The settlers, it appears, were unwilling at first to take up land on the Hawkesbury, because they were afraid of the river overflowing its banks.

Evidences of floods. The apprehension was, probably, founded on the reports brought in by the exploring party which examined the river during the winter of 1789. Phillip, who was at the head of the party, stated, in his despatch of the 13th February, 1790, that the water near the head of the river sometimes rose thirty feet above the ordinary level.* The traces of recent floods were plainly seen; large logs of timber were lying in the branches of trees from thirty to forty feet above the level at which the river then stood.† Grose had perhaps not seen these reports, and there was, apparently, no one at hand to give him trustworthy information on the subject. No flood was known to have occurred since the foundation of the colony, and, making a deduction from insufficient facts, he arrived at an erroneous conclusion. Writing to Dundas, on the 5th July, 1794, he said :—

An erroneous conclusion.

"The overflowing of the river, so very much apprehended, and on which account the settlers did not wish to be placed there, appears to be without foundation. This is universally acknowledged to be the most rainy season that has ever been experienced in the colony, and the river has but little exceeded in any parts its natural limits."‡

For a time the settlers prospered exceedingly, raising large crops from the fine rich mould of which Collins speaks so admiringly; but before many years had gone by they learnt from painful experience how destructive a Hawkesbury flood could be.§

The first flood.

* Historical Records, vol. i, part 2, p. 304.
† Vol. i, p. 152.
‡ Historical Records, vol. ii, p. 238.
§ In September, 1795, Captain Paterson, who was administering the government, reported that the river had risen twenty-five feet above its usual level, "laying the grounds of several settlers under water." Four years later, in

1793-4

On the whole, Grose had reason to be satisfied with the progress that had been made in cultivation, especially as the officers, upon whom he chiefly relied, were doing so well. The assumption that Grose unduly favoured them in distributing the land, rests, as already stated, on little or no foundation. But although he did not give them more land than he supposed them to be entitled to, he favoured them in another way by placing the labouring population of the settlement practically at their disposal. An ordinary settler was allowed one or two convicts, supported at the public expense, to assist in the cultivation of the land. Grose gave the officers ten each to begin with; in some cases, according to the Rev. R. Johnson, more were allowed.* In the condition in which the colony then stood this liberal allowance of labour was of more value than a grant of land of unlimited extent. A settler having twenty thousand acres, but no labour to employ upon it except that of his own hands, would have been worse off than the holder of a hundred acres who received the gratuitous services of ten men. It is evident, therefore, that the officers were placed in a far better position than the ordinary settlers; the great advantage they received in this way made them, in fact, a privileged class.

Favours shown to officers.

Ten convict servants for each officer.

Grose took this course for reasons which are explained in his despatches to the Home Department. He had noticed the indolence of many of the settlers, and the readiness with which some of them parted with their land to obtain the means of leaving the colony. He despaired of being able to derive any benefit from this class of people, but he thought that if the officers were encouraged to take up and cultivate land the production of grain would be promoted, to the great advantage of the settlement. Having no instructions on the subject, he gave effect to his conviction

Grose's reasons for granting the concession.

May, 1799, a much heavier flood occurred. Hunter reports that a heavy fall of rain, coming after a dry season, raised the river to a height of fifty feet above the ordinary level, with disastrous consequences to the settlers.

* Historical Records, vol. ii, p. 203.

1793-4 in a very liberal manner. This liberality did not meet with the approval of the British Government. In a despatch dated 30th June, 1793,* the omission made in the first instance was repaired. The Lieutenant-Governor was informed that :—

He is instructed to reduce the number to two,

"All the civil and military officers may, as such, be allowed two convicts each, to be maintained out of the public stores for two years longer, but after that period they should themselves maintain such as they are desirous of keeping. But where grants of lands are made to such officers as at the same time continue to receive their pay, it is but reasonable that they should maintain such convicts as are granted for the cultivation of their land, exclusive of the two allowed to them as officers for two years, in the manner I have mentioned."

but does not do so.

Grose was placed by this communication in a very unpleasant position. He got over the difficulty by temporising, and left to Hunter the disagreeable duty of taking from the officers the labour which they had first regarded as a privilege, but had come to look upon as a right. Replying on the 29th April, 1794, to Dundas's despatch of the 30th June, 1793, Grose intimated that as the concession had been made, and less than ten convicts each would be unequal to

His reasons.

the task of cultivating the farms of officers, he would defer carrying out the directions until further instructions on the point were received from England, adding that but little inconvenience resulted from these men being taken from the service of Government; and expressing a hope that, as the produce raised by the officers had been of "much

He asks for a reconsideration.

public utility," the matter would be reconsidered, and the system allowed to remain undisturbed.

In the opinion of the authorities in England, the convicts should have been employed rather for the public advantage than for the profit of individuals. Under Grose's plan, however, the officers cultivated the land with the aid of convicts maintained at the public expense, and then sold

A one-sided arrangement.

to the Government the produce which might have been raised by the same labour from the public estate. It was

* Historical Records, vol. ii, pp. 49–51.

1794-6

eminently a one-sided arrangement, from which the Government received no benefit whatever.

The point was seen clearly enough by the authorities of the Home Department. Long before Grose could receive a reply to his despatch, in which he intimated that the arrangement he had made would go on until further instructions were received, he had left the colony, and his communication was not answered until 10th June, 1795, when the Duke of Portland, commenting on the disproportion between the land cultivated by private individuals and by Government, informed Hunter that the regulations which Grose had been directed to observe in regard to convict servants to be allowed to officers did not admit of any discretionary construction. The reasons which Grose had assigned for deferring the adoption of the regulations until further instructions arrived from England were declared to be "insufficient and erroneous."* No doubt the grantees of the land got more labour out of the convicts than the Government would have done; but still, if the men given to the officers had been employed on the public land, the Government would, at least, have received some return. Instead of that, the Government paid everything, and received nothing. It was not likely that such a system would be tolerated. The point was again pressed on Hunter's attention in a despatch from Whitehall, dated August, 1796 :—

Decision of the Government.

An emphatic reiteration.

"It is not reasonable that the publick should feed those convicts whose labour it gives to individuals, and should afterwards purchase the produce of that labour. . . . The more convicts that can be made over to individuals, and taken off the store, the greater will be the advantage; but it must be understood that those individuals, of whatever description, and in whatever situation they may happen to be, who take the convicts, must support them at their own expence, and must not be suffered to receive the produce of the labour of the convicts at the cost of the Crown."

When Hunter received this despatch he had been administering the Government for about eighteen months, but he

* Historical Records, vol. ii, p. 303.

1796 had apparently been unwilling or unable to bring the regulations as to convict labour into accord with the directions of the Home Office. A year later he received a despatch complaining of the heavy expenses which had been incurred in the colony from the 1st June to 31st August, 1796, amounting to £40,000. At this rate of expenditure the cost of maintaining the convicts in New South Wales, according to the Home Office calculations, without including that of the civil and military establishments of the colony, was "more than two-thirds of what they would have been kept for" in England. The main object with which the settlement had been founded—relief from the large expenditure incurred in maintaining the prisoners in the English gaols—had, therefore, been defeated.

Cost of maintaining convicts.

The Duke of Portland informed Hunter that he was satisfied the greater part of the expense to which he so strongly objected had arisen "from not adverting to the original purpose for which this colony was established, and from the manner in which the convicts and public provisions are disposed of." It was pointed out that every convict supported for the benefit of individuals cost the Government £20 per annum, "and consequently the allowance of thirteen convicts to each officer is an expense of £260 per annum to Government, which is to be multiplied according to the number of persons to whom that quota of convicts is allowed." It would appear, therefore, that in addition to the two convicts allowed by the instructions from Whitehall, the officers had still the services of eleven each, one more than the number given by Grose in the first instance. Hunter was strictly enjoined to reduce the number to two, and some time after receiving the despatch he issued an order to that effect. He experienced considerable difficulty, however, in carrying out the instructions of the Government, and abolishing the system which Grose on his own responsibility had established. The circumstances under which the change was made, and the consequences resulting from it, will be dealt with at a later stage.

Cost per head.

Convict labourers allowed to officers.



JUDGE-ADVOCATE COLLINS.

Reproduced by Heliotype from Collins's "Account of the English Colony in New South Wales."—Second edition.

THE PROGRESS OF AGRICULTURE.

1793

Grose's reports.

Grose's despatches contain only information of a general character concerning the progress of cultivation. We read in them of the success of the Hawkesbury settlers, of the difficulties caused by drought, and of the production of sufficient maize and wheat to make the colony almost independent of outside sources for its supply of bread. But very little is to be found concerning the land in cultivation or the produce of the fields. The deficiency is supplied to a large extent by Collins, who sketches the progress of agriculture in a desultory way. The prospects in 1793–94 were alternately good and bad, owing to climatic conditions. The rain which fell in April, 1793, and which followed a period of drought, was, according to Collins, "too late to save the Indian corn."* Owing to this failure it was rashly assumed that maize was unprofitable. It was decided, therefore, to make wheat the principal crop, and as large a quantity of this grain was sown as the resources of the settlement allowed.† It was soon discovered, however, that the consequences of a dry season were not to be overcome by a change of cereal. In August the wheat looked yellow

Accounts by Collins.

Corn preferred to wheat.

* Collins, vol. i, p. 284.

† "The principal labour in hand at Sydney at this time was what the building of the barracks occasioned; and at the other settlements the people were chiefly employed in getting into the ground the grain for the ensuing season, and in preparing for sowing the maize. This article of subsistence having in the late season proved very unprofitable, the average quantity being not more than six bushels per acre on the whole, the Lieutenant-Governor determined to sow with wheat as much of the public grounds as he could; and every settler who chose to apply was permitted to draw as much wheat from the public granary as his ground required, proper care being taken to insure its being applied solely to that use."—Ib., p. 287.

1793 and parched, and although rain fell towards the end of the month, it was concluded that, "there being no fixed period at which wet weather was to be expected in this country, it might certainly be pronounced too dry for wheat."* It does not seem to have been known to Collins and the disappointed cultivators that maize required more moisture than wheat; if this fact had been present in their minds, they must necessarily have decided that the climate was equally unsuitable for the growth of either maize or wheat. Proof was afforded very soon afterwards that the country, in ordinary seasons, would grow both wheat and Indian corn.

Climatic conditions.

The rainy season.

Five months after the advent of the rainy weather, which was supposed to be "too late to save the Indian corn," it was discovered that the settlers had not fared so ill as was feared, for, "after reserving a sufficiency for seed for the ensuing season and for domestic purposes, a few had raised enough to enable them to sell twelve hundred bushels to Government, who, on receiving it into the public stores, paid five shillings per bushel to the bringer."† At the same time the wheat "wore the most flattering aspect, giving every promise of a plenteous harvest."‡ The wheat ripened in November, and the estimate of the yield was twenty-two bushels to the acre.§ Unfortunately, owing to the previous failure, only ninety acres of public land had been sown with this kind of grain, so that although the crop turned out well the quantity of grain harvested was small. The settlers began, at the same time, to reap their wheat crop, and they were offered by the Government as much as ten shillings per bushel for

The harvest.

Twenty-two bushels to the acre.

Crops purchased by Government.

* Collins, vol. i, p. 308. According to this authority, the quantity of wheat sown by "individuals" in July, 1793, was 1,381 bushels.

† Ib., p. 309. ‡ Ib., p. 314.

§ This estimate was probably in excess of the actual yield. Twenty-two bushels of wheat to the acre would now be regarded as a very exceptionally good harvest. The average per acre for the thirty years ending March, 1893, was 13·2 bushels. The highest for any season during that period being 17·4, obtained during 1886–7. In other parts of the world much heavier yields are obtained—Denmark heads the list with 31·1 bushels per acre, and the United Kingdom and Norway come next with 26·9 and 25·1 respectively.—Coghlan's Wealth and Progress of New South Wales, 1893, pp. 657 and 662.

their produce.* Authentic returns of the yields were not obtained, but Collins states that the settlers' farms produced nearly seven thousand bushels; in some cases the yield had been as much as thirtyfold.† 1794

In April, 1794, four hundred acres were sown with wheat for the Government,‡ and it was discovered at the same time that the Indian corn, which had been regarded as an unprofitable crop, had turned out remarkably well. One of the officers of the New South Wales Corps—probably Macarthur, who had already become a prosperous farmer—obtained as much as fifty bushels per acre.§ A month later the Commissary had purchased from the settlers 6,163¼ bushels of maize, at five shillings per bushel. Grose had every reason to complain of the selfishness of these people. On various pretexts, such as unfavourable seasons, and the reduced ration, they had been allowed provisions from the public stores for more than twelve months beyond the time allowed under the conditions of settlement.‖ For this indulgence some return was expected, and when their land, which had been freely granted to them, and on which they had been supported for two years and a half, yielded abundantly, they were asked to assist the Government in procuring food for the convicts, not by giving up their corn for nothing, but by selling it to the Commissary at a fair price. But it was more profitable to use it for brewing or

Indian corn.

Selfish settlers.

* Collins, vol. i, p. 324.

† "No regular account had been obtained of what these farms had produced; but it was pretty well ascertained, that their crops had yielded at the least nearly seven thousand bushels of wheat. Of the different districts, that of Prospect Hill proved to be the most productive; some grounds there returned thirty bushels of wheat for one. Next to the district of Prospect Hill, the Northern Boundary farms were the best; but many of the settlers at the other districts ascribed their miscarriage more to the late periods at which their grounds were sown, than to any poverty in the soil, and seemed to have no doubt, if they could procure seed wheat in proper time (that is, to be in the ground in April) and the season were favourable, of being repaid the expenses which they had been at, and of being enabled to supply themselves and families with grain sufficient for their sustenance without any aid from the public stores."—Ib., p. 339.

‡ Ib., p. 365. § Ib. ‖ Ib., p. 358.

1794 distilling—everyone was allowed at that time to keep a still —and the Government could obtain from the settlers only a few hundred bushels.* Appeals were made to them without effect; and as they continued to refuse to sell their corn, although they were being supported from the Government stores, sixty-three of them were struck off the provision list; a just punishment, Collins observes, for their selfishness.

Private stills.

Agricultural progress.

The condition of the agricultural industry in 1794 fully justified the confident tone of the despatches which Grose wrote at that time. On the 10th December, a few days before he left the colony, he stated in a despatch to Dundas:—"Our wheat harvest is over; the produce is considerable, and the Indian corn, at present, has the appearance of plenty."† In a letter which he left for Hunter, whose appointment to the Governorship had been announced, and whose arrival was daily expected,‡ he said:—"The colony is at this time in so flourishing a state, and the officer I leave in command§ every way so capable of the duty of it, that no evil consequences can possibly attend my going away."‖ This favourable account is borne out by Collins, who described the condition of the settlement several months before that as very flourishing indeed. The improvement which had taken place was not known in England, where, according to reports brought by the William and other vessels, the general impression seemed to be that the colony was a sterile waste, destitute of native vegetation, and

Grose returns to England.

English opinions.

* "It was found that the settlers, notwithstanding the plentiful crops which in general they might be said to have gathered, gave no assistance to Government by sending any into store. Some small quantity (about one hundred and sixty bushels) indeed had been received; but nothing equal either to the wants or expectations of Government. They appeared to be most sedulously endeavouring to get rid of their grain in any way they could; some by brewing and distilling it; some by baking it into bread, and indulging their own propensities in eating; others by paying debts contracted by gaming. Even the farms themselves were pledged and lost in this way; those very farms which undoubtedly were capable of furnishing them with an honest comfortable maintenance for life."—Collins, vol. i, p. 338.

† Historical Records, vol. ii, p. 276.

‡ Hunter did not arrive until September, 1795.

§ Captain Paterson. ‖ Ib., p. 274.

incapable of cultivation. In the latter part of 1794 agriculture had been established on a firm foundation.* There could be no question that the colony, as regarded the cultivation of the land, had entered upon a season of prosperity. If its condition from a social point of view had been equally satisfactory, there would have been little ground for complaint. 1794

* "Among other articles of information received by the William we were assured, that it had been industriously circulated in England that there was not in this country either grass for graminivorous animals, or vegetables for the use of man. This report was, however, rather forcibly contradicted by the abundant increase of all descriptions of live stock at this time in the colony, and by the plenty which was to be found in every garden, whether cultivated by the officer or by the convict. A striking instance of this plenty occurred at Parramatta a few days before the arrival of the storeship, when six tons and two hundredweight of potatoes were gathered as the produce of only three-quarters of an acre of ground."—Collins, p. 360. "The ships which had lately arrived from England were fraught with the dismal and ill-founded accounts, which through some evil design continued to be insidiously propagated, of the wretched unprofitable soil of New South Wales. It was hoped, however, that when the present appearance and state of the colony should reach England, every attempt to mislead the public would cease; and such encouragement be held out as would induce individuals to settle in the country. . . . . The supercargo of the Halcyon, Mr. W. Megee, "on seeing the Toongabbe hills covered with a most promising crop of wheat, declared that he had never seen better in America, even at Rhode Island, the Garden of America; and on being shown some Indian corn of last year's growth, gave it as his opinion, that we wanted nothing but large herds of grazing cattle to be a thriving, prosperous, and great colony, possessing within itself all the essential articles of life."—Ib., p. 375.

THE TRAFFIC IN SPIRITS.

1791-2

The standard of morality.

Considering the materials of which the community was chiefly composed—convicts of both sexes, but principally male, and soldiers who were no better than the bulk of the British army as it existed a hundred years ago—a high standard of morality was not to be expected; but the course pursued by Grose, in more than one direction, was not calculated to produce the best results. One of the gravest faults of his administration was the removal of the restrictions on the introduction and consumption of spirits which existed under the rule of his predecessor. Foreseeing the consequences that would follow if strong drink in considerable quantities became accessible to the people, Phillip did his best to prevent its importation. In a despatch of 18th November, 1791, he informed Nepean that "the landing of spirits without having a permit has been prohibited in the port orders, in order to prevent the convicts procuring any"; but he suggested that a duty would more effectually answer the purpose. To this communication he received the reply that the port orders were considered sufficient to meet the case. Probably, it was thought that the settlement was not ripe for the establishment of Customs duties. Ten years went by before a duty was placed upon spirits, and by that time the evils Phillip apprehended had come to pass. So strongly did he feel on the subject that he would have liked to retain the whole liquor supply in the hands of the Government. Replying, on the 11th of October, 1792, to a despatch, in which he was informed that "an allowance of rum for the non-commissioned officers and privates" was

Importation of spirits.

Policy of Phillip.

His opposition to the traffic.

about to be sent out, he made the warning remark :—"The permitting of spirits among the civil and military may be necessary, but it will certainly be a great evil."* The prediction was only too well founded. 1792

Grose had not been in office a fortnight when he took the first step which ultimately resulted in a complete reversal of the salutary system established by his predecessor. The American ship, the Hope, which arrived on the 24th of December, 1792, had on board a cargo of provisions and a quantity of spirits, which were offered for sale. As the master refused to sell one part of the cargo without the other, the spirits had to be purchased, a circumstance for which Grose expressed regret; but as he inferred from the despatch sent from Whitehall on the 15th May that it was intended to issue spirits to the soldiers, he observed that he had on that account "the less reluctantly consented." Not being certain, from the terms of the despatch, whether the liquor was to be served as an allowance, or whether a deduction was to be made from the pay of those who received it, he issued the spirits, making stoppages from the pay of those to whom it was supplied, and retaining the money until he had received fresh instructions on the subject.† In disposing of the spirits in this way there was no particular harm. The quantity which the soldiers were able to purchase out of their pay was inconsiderable; and although some of them violated the regulations and disposed of their liquor to the convicts, who gave their rations in return, the evil that ensued was slight compared with the consequences that followed soon after from the establishment of a promiscuous traffic in strong drink.

Grose's policy.

Spirits purchased from American captain.

Distributed amongst the soldiers.

Most of the vessels that came to the colony on voyages of speculation brought spirits, and if the liquor was not required by the Government it was purchased by the civil and military officers, who were apparently allowed to purchase through

Purchased by the officers.

* Historical Records, vol. i, part 2, p. 665.

† He was afterwards informed that the spirits were to be paid for.

1792 the Government stores as much as they chose, at prime cost. The officers were also allowed to introduce from India and the Cape shipments of spirits ordered specially by them. It soon became apparent that the liquor was finding its way among the settlers and convicts. The former neglected their farms and squandered their means; the latter sold their food for drink, and robbed the settlers' gardens to make up for the loss of their rations. Among both classes gambling was common. The practice of buying food from the convicts with spirits was not unknown in Phillip's time, but stringent regulations were made with the object of putting a stop to it.* These regulations were in force in Grose's time, but it seems to have been difficult, if not impossible, to make them effective.† A quantity of spirits having been found in the convicts' huts, it was seized and given to the watchmen and the guard who made the discovery, "as a stimulus to future vigilance." But when there were so many eager to buy, and others willing to sell, the most stringent regulations were of little avail. Collins says "the passion for liquor operated like a mania." The spirits obtainable at the time were of very bad quality; it seems to have been a doubtful point which was the worse—the rum brought from America, or the brandy received from the Cape. The fondness of the convicts for the "pernicious American spirit," the same authority tells us, was "incredible"; they would do anything to obtain it, and "while spirits were to be had those who did any extra labour refused to be paid in money, or any other article than spirits."

Effects upon the morals of the community.

A seizure.

Rum from America.

* Ante, p. 204.

† "The Lieutenant-Governor having directed the Commissary to dispose of the spirits purchased from the American to the military and civil officers of the colony, in which were included the superintendents, and some others in that line, it was found that it had been purchased by many individuals of the latter description with the particular view of retailing it among the convicts. He, therefore, found it necessary to declare in public orders 'that it was his intention to make frequent inquiries on the subject; and it might be relied upon that, if it ever appeared that a convict was possessed of any of the liquor so supplied by the Commissary, the conduct of those who had thought proper to abuse what was designed as an accommodation to the officers of the garrison would not be passed over unnoticed.'"—Collins, vol. i, p. 259.

In these circumstances it was manifestly the duty of the Governor to do all in his power to check the consumption of liquor, but Grose adopted a course which encouraged the practice. The officers desiring to bring into cultivation, as speedily as possible, the land which had been granted to them, employed not only the convicts who had been assigned to them but others who were allowed to work on their own account on certain days. Taking advantage of the fatal passion for liquor, the officers paid these men with spirits, and thus had no difficulty in obtaining the extra labour they required.* The consequences may be imagined. Instead of consuming liquor in small quantities, the convicts drank to excess, and, as the pages of Collins show, work in the fields was too often the prelude to an orgy of intoxication. 1794

Wages paid with spirits.

While the soldiers and petty officials were prohibited from selling liquor to convicts, no matter how small the quantity might be, the commissioned officers were allowed to purchase labour with spirits, which thus became the recognised medium of exchange between the proprietors of the land and a class of people that it was important in the highest degree to keep from the influence of liquor. The arrangement was a very profitable one for the officers, for they sold the liquor—that is to say, they exchanged it for labour—at a much higher rate than that at which they had purchased it. Grose was desirous of giving the officers every possible facility for cultivating their holdings, and although he may have had some misgivings on the subject, he probably thought

A medium of exchange.

* "Not being restrained from paying for labour with spirits, they [the officers] got a great deal of work done at their several farms (on those days when the convicts did not work for the public) by hiring the different gangs." —Collins, vol. i, p. 268. "Spirituous liquors was the most general article and mode of payment for such extra labour, and hence in the evening the whole camp has been nothing else, often, but a scene of intoxication, riots, disturbances, &c. Gaming was no less prevalent at the same time [the period of Grose's Governorship]. Many of them I have myself detected at this work, both as I have gone to and returned from church. Sixteen were at one time detected by one of the constables within a hundred yards of the church, and at the time I was preaching. Numbers of them have gamed away the clothes off their backs, and the very provisions served them from the public stores, for weeks or months before these became due."—The Rev. R. Johnson to Governor Hunter, 5th July, 1798.

1796

An iniquitous system.

that the end justified the means. The course pursued was an unfortunate one. It produced serious evils, and established a vicious traffic in spirits, which was not effectually checked until King, ten years afterwards, had nearly worn himself out in the effort to put it down.

Distillation.

Another phase of the liquor question which it is difficult to understand, was the toleration shown to settlers who by distillation converted their grain into spirit. Every bushel of wheat grown was wanted as food for the people, and yet the settlers were allowed to waste their produce by turning it into an article that was useless.* If Grose had chosen he could have stopped the practice, but he did not interfere. It was prohibited by Hunter by General Order in March, 1796, but in the meantime a great deal of mischief had been done.

Morals of the community.

Unfortunately, the records of this period of our history, particularly the despatches of Lieutenant-Governor Grose, are almost silent concerning the effect of Grose's government upon the morals of the community. It was not until some years after Grose had returned to England that any mention was made in official papers of this aspect of the question.

Macarthur's version.

In September, 1796, Captain Macarthur, writing to the Duke of Portland, alluded to the great cost of maintaining the settlement, and to the profligacy of the people —openly insinuating that Hunter was responsible for both evils. The Duke of Portland did not answer the letter, but sent it out to Hunter for his report. It was thus nearly two years after Macarthur made his charges before Hunter had an opportunity of replying to them. This he did in a despatch dated 27th July, 1798, with which he forwarded

* "Webb, the settler near Parramatta, having procured a small still from England, found it more advantageous to draw an ardent diabolical spirit from his wheat, than to send it to the store and receive ten shillings per bushel from the Commissary. From one bushel of wheat he obtained nearly five quarts of spirit, which he sold or paid in exchange for labour at five and six shillings per quart."—Collins, vol. i, p. 327. Webb was not the only distiller. Other settlers followed his example.

corroborative reports from the Rev. Richard Johnson, the Rev. Samuel Marsden, and Mr. Surgeon Arndell. 1798

Hunter admitted the existence of the evils complained of by Macarthur; but attributed them to the policy pursued by Grose in giving so much power to the military officers, and in allowing the establishment of a system of trade in spirits. Conscious that his statements would lose force by the fact that he had not any personal knowledge of the colony during Grose's administration, Hunter called upon the Chaplains and Surgeon, who had been eye-witnesses. If the reports of these gentlemen are to be credited, the state of affairs was shocking even for a convict settlement. The people were given up to drunkenness, gambling, and licentiousness; disorder and riot prevailed; robberies and crimes of a still more serious nature were common; the people had no respect for either God or man; and so little control was kept over the criminal population that it was not safe, according to Mr. Arndell, for a civilian to pass from one part of the town to the other.

Hunter's version.

Accounts of eye-witnesses.

The Surgeon's version.

Johnson and his coadjutor employed equally strong language.

The Chaplain's.

It must not be overlooked that the reports are *ex parte*. They were written nearly four years after Grose left the colony, and there is nothing to show that they were brought under his notice; at all events, no reply from him has been found in the Records. The reports must, therefore, be taken as a statement of the case from one point of view only. They are, however, confirmed in many important points by Collins, whose pages contain numerous allusions to the drunkenness, gambling, profligacy, and crime which prevailed in the years 1793-1795.

RELIGIOUS INSTRUCTION UNDER GROSE.

1792 At the foundation of the colony but slight provision had been made for the religious instruction of the community, and the labours of the single chaplain (Rev. R. Johnson) were performed under difficulties which the circumstances rendered unavoidable. Having to deal with an intractable community, consisting as it did chiefly of convicts and soldiers, he required all the countenance and support which those in authority could give him. In Phillip's time, although his work was done under very trying conditions, he received the countenance and assistance of the Governor; but from Grose he met with obstruction and contumely.

The Chaplain's relations with Phillip and Grose.

Before considering the treatment he received, it will be as well to point out the circumstances in which the Chaplain was placed when Grose took charge. He was the only minister of religion in a colony of about four thousand inhabitants, distributed over three settlements—Sydney, Parramatta, and Toongabbie. The people were so ill-disposed to profit by the Chaplain's ministrations that Phillip had found it necessary to issue an order by which the Commissary was instructed to stop a certain quantity of flour from the ration of any convict who neglected to attend divine service without sufficient reason. When Grose took charge, the disinclination on the part of the people to take part in the services had become conspicuous. Although the colony had been founded for nearly five years, no place of worship had been erected, nor had any serious steps been taken in that direction. It is true that in the spring of 1791 the

Rev. R. Johnson.

Neglect of public worship



THE REV. RICHARD JOHNSON.

Reproduced by Heliotype from an old engraving published as a frontispiece to Johnson's "Address to the Inhabitants, 1792."

foundation of a church had been laid at Parramatta, but before it was finished it was converted into a lock-up house, and afterwards used as a granary.* At Sydney, as well as at Parramatta, the Chaplain had generally to perform service in the open air. The difficulties he had to contend with are described in a letter to the Governor, dated 29th February, 1792, in which he pointed out that at times not one-quarter of the convicts were present, and that he had received frequent excuses from officers—civil, military, and naval—whose sole reason for non-attendance was the absence of proper accommodation. He declared that those who desired to attend public worship were in a much better position to do so when the first tent was pitched at Sydney Cove, four years before, for then the trees afforded them some shelter. He himself had suffered so much from exposure that he did not wonder that others attended so seldom and so reluctantly.†

1792

The church at Parramatta.

Officers and convicts absent themselves.

Service in the open air.

In a letter written a few weeks later, Mr. Johnson referred to the absence of any place of worship or of any prospect of such being provided at Parramatta and Toongabbie, and mentioned that on the then ensuing Sunday service was to be held at Sydney in an old boathouse—"not fit or safe for a stable or cowhouse."‡ This state of things continued throughout Phillip's Governorship, greatly, no doubt, to his regret. That he valued religious observances is shown by the order he issued with the object of enforcing the attendance of the convicts. Phillip will perhaps be blamed in some quarters for omitting to erect buildings for public worship, but it must be remembered that he was in circumstances of peculiar difficulty. It was as much as he could do to find food and shelter for the people. It is not likely that he would have turned the proposed church into a lock-up, and afterwards into a granary, had it been possible to avoid doing so. Not until eight months after Phillip's departure

and in an old boathouse.

Delay in erecting church.

* Historical Records, vol. i, part 2, p. 603.
† Ib., p. 594. ‡ Ib., p. 602.

1793

The first church.

was service held in a building devoted specially to religious purposes. The church was a temporary one, constructed of wood, out of the Chaplain's private funds, at a cost of £67 12s. 11½d.* It appears from Mr. Johnson's letter to Dundas, 3rd September, 1793, that the erection of the building was commenced on the 10th June, and that it had only just been finished at the time he wrote.† It afforded accommodation for five hundred people.

Erected by the Chaplain.

Although Johnson did not ask in so many words that his expenses might be reimbursed, it may be seen from the fact that he sent in to the Lieutenant-Governor a detailed statement of the expenditure, and from the letters he subsequently sent to the Secretary of State, that he expected to have the cost made good. But of this Grose by no means approved. He forwarded the Chaplain's letter to Dundas, but instead of recommending that he should be repaid for the money he had laid out, he informed Dundas that he could not allow the matter to pass without observing that the Chaplain was a very troublesome and discontented character, the cost was, he thought, extravagantly high, and he was much surprised that any claim at all was made, as he had been given to understand by Johnson that the building was

Grose and Johnson.

* "The clergyman, who suffered as much inconvenience as other people from the want of a proper place for the performance of divine service, himself undertook to remove the evil, on finding that, from the pressure of other works, it was not easy to foresee when a church would be erected. He accordingly began one under his own inspection, and chose the situation for it at the back of the huts on the east side of the cove. The front was seventy-three feet by fifteen; and at right angles with the centre projected another building forty feet by fifteen. The edifice was constructed of strong posts, wattles, and plaster, and was to be thatched. Much credit was due to the Rev. Mr. Johnson for his personal exertions on this occasion."—Collins, vol. i, p. 299. The absence of churches in New South Wales had been brought under the notice of the ecclesiastical authorities in England. In a letter of 8th June, 1793, to Under Secretary Nepean, the Archbishop of Canterbury said:—"I should be obliged to you for a hint of information whether any measure is taken in respect to a place or places of worship at Botany Bay, the want of which was so apparent from the letters which I communicated to you for Mr. Dundas's inspection."—Historical Records, vol. ii, p. 46.

† Collins states (vol. i, p. 307) that the work was not begun until July, 1793, and that the building was used for the first time on Sunday, 25th August, of the same year.

being erected at his own cost, and on this understanding he had generally been accommodated with a variety of articles free of charge from the public stores.* 1793

It is evident from this letter that Grose had taken a strong dislike to the Chaplain, who does not seem to have been aware at the time that he had incurred the displeasure of his superior officer, for that was the relation in which the Lieutenant-Governor stood to the Chaplain of the settlement, who, like himself, held a Commission from the Crown. Whether Grose thought sixty-seven pounds was too large a sum to pay for the erection of a church, or whether he meant to convey that the building constructed by Johnson ought to have been put up for less money, is not clear. On this point the ambiguity of his language leaves a good deal to conjecture. Their strained relations.

Had Grose maturely considered the question whether the church should have been built by the Government, which had labour and material at its command, or by the Chaplain, whose allowance was ten shillings a day, he would have been obliged to confess that the responsibility rested with the Government, and not with Mr. Johnson. The question of cost.

What was the cause of Grose's enmity there is no independent evidence to show; but reading Johnson's letters to Dundas, in connection with those sent by him to friends in England, and with the reports made by both the Chaplain and his assistant to Governor Hunter,† the conclusion can scarcely be avoided that Johnson incurred Grose's displeasure because, in the exercise of his office, he protested against the neglect of religious observances and against a number of abuses which the Lieutenant-Governor took no steps to remove. Johnson had reason to complain of his treatment by Grose almost from the first. His convenience was not consulted, his requests for necessary assistance were The cause of Grose's enmity. Ill-treatment of the Chaplain.

* Historical Records, vol. ii, p. 64.

† Ante, p. 275.

1793 refused, and he complained that on one occasion he was treated with gross disrespect while conducting service. The circumstances as related by Johnson himself were as follows:—One morning while performing divine service (which by Grose's order was held at 6 a.m.) an interruption was made by two soldiers; this, as if by a preconcerted sign, was followed by beat of drum, and the soldiers, falling into line, unceremoniously marched to their barracks. The service, Johnson remarked, had then lasted barely three-quarters of an hour, and he was about halfway through his discourse. Johnson, writing five years afterwards,* referred to the incident at greater length. From this letter it appears that he was aware, at the time, that it was intended to confine the service to forty-five minutes, and that the tattoo for relieving the guard would sound, as usual, at a quarter to seven. Furthermore, when he began the service he heard the drum-major order "two drummers to beat off at ten minutes or a quarter before seven, as usual." Johnson was very indignant; his astonishment and concern were so great that he could not continue to address the few convicts who remained, and returned home greatly distressed at "such barefaced profanation and infidelity." He immediately wrote to the Lieutenant-Governor complaining of the treatment he had received. The letter has, unfortunately, not been preserved. In a letter from Johnson to Dundas, dated 8th April, 1794, he declared that this complaint was the first of his acts which gave offence to Grose.†

An impatient congregation.

Johnson's indignation.

He went on to say that he had made application soon after the church was built for the appointment of a sexton and a man to ring the bell and look after the church; but this request, which is properly described as both reasonable and necessary, was denied. There was no person whose regular business it was to make preparation for burials; and it often happened that the Chaplain had to wait in the burying-

Grose refuses to allow him a sexton.

* Johnson to Hunter, 5th July, 1798.
† Historical Records, vol. ii, p. 201; Collins, vol. i, p. 261.

ground while graves were altered—sometimes while they were being made. Having recounted these disadvantages, Mr. Johnson went on to explain his position :— 1794

"From these different circumstances you may judge, sir, whether I have not sufficient reason to be discontented. The soldier, it seems, is properly supplied with his regimentals ; the surgeon has an hospital provided for his patients, and is supplied with medicines. Persons bearing other offices are furnished with what is needful for them to do their duty; and, for the same reason, I do not see why a clergyman should be denied what is necessary for him in the discharge of his duty. But such has been all along my situation, and I have had neither church, nor clerk (except my own free servant, who fills up his place at Sydney), nor sexton, for want of which conveniences and assistance I have seen it needful to complain. Johnson states his grievances.

"It was this last circumstance that gave rise to an unhappy difference that has taken place between the Lieutenant-Governor and myself. When refused this request, so just, reasonable, and necessary, I could not forbear signifying that I conceived myself extremely slighted, and that as chaplain to the colony I had reason to expect greater support. This occasioned some warm dispute and altercation, when some ill-natured and ill-founded reflections were thrown out upon me, which I trust and flatter myself my general mode of conduct has not merited." An altercation.

Grose said nothing in his letters about any dispute or altercation ; but he complained in a despatch written on the 29th April, 1794,* of Johnson's behaviour, which he described as "disorderly" (although he did not state of what the disorder consisted), adding that he had received from him "treatment very unbecoming his character as a clergyman to offer, and not very consistent with my situation to put up with." He accounted for his previous silence on the subject by stating that he had refrained from making any representations "in pity to a large family." It is worthy of remark that Grose made these statements when replying to a despatch informing him of the appointment of Johnson's Grose state his case.

* Historical Records, vol. ii, p. 209.

1794 assistant (the Rev. Samuel Marsden), in which his attention had been drawn to the importance—in a settlement like New South Wales—of the clerical station and character being treated with respect. Grose was careful to declare that so far as he was concerned it had been his wish to make the clergyman as comfortable as possible. If Johnson's letters can be relied upon, he was singularly unsuccessful.

Anxious to make Johnson comfortable.

The Chaplain had other grounds for dissatisfaction. After referring to his quarrel with Grose, he complained that the treatment he had afterwards met with was "very uncivil and severe." He described the incivility and severity at some length.* The chief complaint was that, while the civil and military officers were allowed ten or more convict labourers to help them to cultivate their ground, he could only obtain the services of two. He was therefore obliged to pay men at the rate of forty shillings per week, and his corn was "exposed to perpetual depredations for want of proper assistance to protect it."

Johnson's chief complaint.

It appears from Johnson's statement that Phillip shortly before he sailed for England had, in obedience to instructions,† set apart four hundred acres as church land, which Johnson had commenced to clear with the aid of two or three convicts. Finding that ten convicts were allowed to the officers as farm labourers, he applied for seven more, but could only obtain them on condition of giving up the four hundred acres and taking in lieu thereof the area allowed to the officers—namely, one hundred acres. This he did in March, 1793. In the following November all his farm labourers except two were taken from him without a moment's notice; but no diminution was made in the number allowed to the officers. No reason is assigned for this arbitrary act on the part of Grose in substituting one hundred for four hundred acres of land. It is possible that Grose

Church land.

Convict labourers allowed to Johnson.

* See his letter to Dundas, 8th April, 1794.—Historical Records, vol. ii, p. 201.

† Historical Records, vol. i, part ii, p. 259.



THE REV. SAMUEL MARSDEN.

Reproduced by Heliotype from "Memoirs of the Life and Labours of the Rev. Samuel Marsden, London, 1858."

desired to prevent Johnson from establishing a proprietary claim to the larger area. His precautions were, however, unnecessary; the land was set apart for the maintenance of a minister, not as the property of an individual, and whatever advantage the Chaplain might have derived from it during his enjoyment of the position, the ownership of the land would have remained with the State. 1794 Johnson only a trustee;

The correspondence, on the part of Johnson, was continued at some length. He concluded his letter of the 8th April by informing Dundas that he had written to the Bishop of London, asking him to make application for the papers sent to the Home Office, so that his Lordship might be able to form some judgment as to whether his conduct merited the "severe treatment" he had received, and expressing his willingness to abide by the decision at which the Secretary of State and the Bishop might arrive. He followed this up by a letter written on the 7th August, which was sent, apparently, because he discovered that Grose had written disapproving of his action in asking to be repaid the money he had expended in building the temporary church. He mentioned in this communication that he had forwarded a full statement of the case to his "honoured friend, Mr. Wilberforce," and expressed regret that "differences" had arisen, stating that, although he had made application, if it should be thought he had acted improperly, he did not desire to receive any compensation for what he had done. he appeals to the Bishop, and writes to Wilberforce.

On the 24th November he again wrote to Dundas, repeating that if it should be considered that his action in erecting a place of worship was considered in any way unnecessary or improper he would cheerfully take the burden upon himself.* It has been remarked that, although Grose in his correspondence with the Home Department did not hesitate to abuse Johnson, he did not point to any specific act Offers to pay the cost of the church.

* After Hunter's report had been received, the Home Department gave authority, January, 1797, for the payment of the account.—Dundas to Hunter, January, 1797.

1794 in support of his charges. He certainly stated that he had refrained from reporting Johnson's "disorderly behaviour" from motives of pity; but having allowed benevolence to get the better of his judgment, it was clearly his duty, not only to Johnson, but to the British Government, to set forth in what the disorderly behaviour consisted. In the absence of any such information it was quite impossible for the authorities in England to decide whether Johnson was, or was not, fitted for the post.

Grose makes no specific charge.

Johnson, on the contrary, as soon as he learned that he had been attacked, opened a correspondence with the Home Department, in which he made a full statement of his case; supporting his accusation of unfair treatment on the part of the Lieutenant-Governor with details, by an examination of which the truth or otherwise of his complaint could be tested. He also wrote letters to the Bishop of London, Mr. William Wilberforce, the philanthropist, and the Rev. John Newton.* A letter, addressed to the Archbishop of Canterbury, in which a copy of a sermon was enclosed, was also sent to Mr. Newton, but it was decided after consultation with friends that the letter should not be presented to the Archbishop, "as it seemed improbable that a copy of the sermon had been sent to him, and if not it was not necessary that he should see it."† It would appear from this that Johnson had delivered a sermon to which exception had been taken, possibly by Grose.

Johnson's detailed statements.

A letter to the Archbishop.

Johnson had influential friends in England, where he enjoyed a good reputation. One of them was Wilberforce, whose knowledge of his character and readiness to serve him stood the Chaplain in good stead. By the same vessel that took to England Grose's letter disapproving of the application which had been made for reimbursement of the money expended on the temporary church, Johnson sent a

Johnson's friends in England.

* Extracts from the replies of the Rev. John Newton will be found in the Historical Records, vol. ii.

† Historical Records, vol. ii, p. 79.

letter to Wilberforce asking him to use his good offices with the Secretary of State. Wilberforce, who was a personal friend of Dundas, had no hesitation in complying with the request, and he gave Johnson at the same time a very high character :— 1794 Wilberforce.

"When I tell you he is one of the worthiest men breathing, the most active, the most humble, and at the same time very little acquainted with the world, I have said enough to excuse the steps he has taken and to obtain his reimbursement. In truth, £67 for a church is rather a more moderate charge than Government, I believe, is used to, and I know from his private letters that he worked very hard with his own hands, and often by night as well as by day."*

Other people who had opportunities of judging of his character expressed their confidence in him. Wilberforce regarded him as "one of the worthiest men breathing"; Phillip made him a magistrate; and Hunter, who held the office of Governor for five years after the departure of Grose and Paterson, placed the most implicit confidence in him. King, who succeeded Hunter, had the means of obtaining trustworthy information, and we find him writing to the Under Secretary of the Home Department, when Johnson had resigned his appointment and was about to return to England, that he, Johnson, had "met with much persecution from Grose when he commanded here."† The letter in which this sentence occurs was a private one, and King was, therefore, able to write with freedom. "Persecution" was a strong word to use, but it was not rashly employed. King's information, obtained on the spot, evidently supported the statements made by Johnson in his letters to the Secretary of State and to his friends. Phillip and Hunter. P. G. King. Persecuted by Grose.

There is another point. If Grose's representations had been taken seriously by the Home Department, Johnson

* Historical Records, vol. ii, p. 245.

† Governor King to Under Secretary King, 3rd May, 1800. In another letter, dated 13th October, 1800, of which Johnson was the bearer, King wrote to the Under Secretary :—"He [Johnson] has met with much obstruction formerly in the execution of his duty. I believe him to be a very honest man, and I think has been ill-used in this colony by those in it."

1794

would have been deprived of his appointment, instead of which he kept it for six years after Grose returned to England, when the state of his health obliged him to relinquish it. The contempt with which religion and those who were charged with the teaching of it were treated during the administration of Grose exerted an influence for evil which was felt for many years.

Consequences of the quarrel.

One good result followed the unpleasant relations which existed between Grose and the Chaplain. Writing to Dundas on the 5th July, 1794, Grose informed him that he had erected a church capable of containing three hundred people. He made a special mention of the fact because :—

Grose erects a church.

"I am given to understand that the Revd. Mr. Johnson, who is really a most troublesome character, has endeavoured to persuade the Archbishop of Canterbury that ecclesiastical matters are not at all attended to, and that there is no place for public worship excepting a building put up at his own expence."*

Johnson's letter, which was never delivered to the Archbishop, may have contained the statement referred to by Grose; but if it did it was strictly correct, for it was written before steps had been taken by Government for the erection of a church. If Johnson had informed the Archbishop that ecclesiastical matters were "not at all attended to," he exaggerated a little; but that they were very badly attended to is shown by the fact, stated by Grose himself, that the only effort to provide a place of public worship, after six years, was the erection of a church which would accommodate no more than three hundred persons.

Johnson defended.

Upon one important point the charges made by Johnson and Marsden,† concerning Grose's connivance at the neglect of public worship, are not borne out by Collins,‡ according to whom, special orders were issued by Grose to secure the attendance of the convicts at divine service. Johnson's account is that he seldom preached to more than ten or

Contradicted by Collins.

* Historical Records, vol. ii, p. 238.
† Ante, p. 275. ‡ Collins, vol. i, p. 261.

twenty convicts, sometimes only to those who were in his own employment; while Marsden asserts that "all, without exception, however infamous and abandoned, were allowed by those in authority to absent themselves from public worship, and to spend the Sabbath as their different passions and interests operated upon them." The latter relates a circumstance which shows that the convicts had express permission towork on Sundays if they chose. One Sunday, while he was conducting service at Sydney, he was "much interrupted by some of the prisoners breaking up ground near the church." When service was over he remonstrated with the men, and threatened to have them locked up if they went on with work in the evening. No attention was paid to him, however, and work was continued in the evening. After the service had closed he applied to Johnson, who was a civil magistrate, to have the men taken into custody for "open violation of the Sabbath, and contempt of me as a clergyman and one of his Majesty's officers." On Johnson's order they were committed to prison, but their commitment was no sooner reported to the Lieutenant-Governor, Marsden says, than he sent the captain of the guard to know the cause, and, not satisfied with Marsden's explanation, ordered them to be liberated, and requested the clergyman not to interfere again with the internal government of the colony.

1794

Desecration of the Sabbath.

Tolerated by Grose.

Knowing that his superior had failed, and that the efforts he had made had rather aggravated the situation than improved it, the Assistant Chaplain probably came to the conclusion that inaction, so far as making representations to the chief authority was concerned, was the best policy.

If these reports are to be relied upon, the social condition of the colony in Grose's time was lamentable in the extreme. The evil, of course, did not end there. The same system prevailed during Lieutenant-Governor Paterson's short term of office, and although a radical change was made after Hunter took command as Governor in 1795, the evil consequences endured for many years.

Grose's policy continued by Paterson.

CHANGES EFFECTED BY GROSE.

1792-4

Changes effected by Grose.

Grose directed the affairs of the colony for only two years, but in that short space of time great changes were brought about. The Government, as already indicated, had been deprived of its civil character and placed on a military basis, a new class of proprietors had been placed on the soil, and cultivation had so progressed that the settlement was almost independent of the mother country, so far, at all events, as the supply of grain was concerned.

It was in these matters, principally, that Grose, working evidently with a settled design, had produced such a remarkable transformation in the appearance of the country.

Moral welfare.

The changes effected in the social condition of the settlement, by relaxing the stringent rules of Phillip in regard to the importation of spirits, and by discountenancing the efforts of the Chaplain, were less obvious at the time, and appear to have been the result of want of foresight on the part of Grose, rather than of any settled policy.

Material prosperity.

There can be no question that the colony when Grose left it was in a highly prosperous condition. Eight months before his departure he wrote to Dundas informing him that the settlement required no more than a few months' supply of flour; after that only salt meat need be sent from England. He seemed to think that the favourable account of affairs which he was giving might be attributed to enthusiasm, for he went on to say:—

"I am perfectly aware of the consequences that might ensue if our wants were at all disguised or concealed, and any wishes of

mine to see the colony in a thriving condition will not induce me to describe it in a more flourishing state than it is. The great assistance I have received from the civil and military officers has enabled me to do much more than could be expected. 1792-4

"I am particular in stating what has been done since the departure of the Governor, not because I wish to arrogate any consequence or merit to myself, for very little is due to me, but because I wish to represent in the most favourable point of view the officers serving in the colony, to whose great exertions the promising appearance of it may be entirely attributed."* Exertions of the officers.

Writing on the 8th December, a few days before his departure, Grose spoke of the "flourishing state" of the colony, and no doubt its condition was as he represented it to be, so far as productiveness was concerned; but the prosperity was that of a class rather than of the community as a whole. The small settlers on the banks of the Hawkesbury were doing well, and so were those at Parramatta and Toongabbie; but it was only the officers, who had been supplied with convict labour on a liberal scale, who were obtaining large returns. The advantages enjoyed by this class, as well as the prosperous state of the colony, may be seen from the letter of Captain Macarthur to his brother, written in August, 1794:— Prosperity of a class.

"The changes we have undergone since the departure of Governor Phillip are so great and extraordinary that to recite them all might create some suspicion of their truth. From a state of desponding poverty and threatened famine, that this settlement should be raised to its present aspect in so short a time is scarcely credible. As to myself, I have a farm containing 250 acres, of which upwards of 100 are under cultivation, and the greater part of the remainder is cleared of the timber which grows upon it. Of this year's produce I have sold £400 worth, and I have now remaining in my granaries upwards of 1,800 bushels of corn. I have at this moment 20 acres of very fine wheat growing, and 80 acres prepared for Indian corn and potatoes, with which it will be planted in less than a month."† Macarthur's farm.

* Historical Records, vol. ii, p. 208.
† Ib., p. 508.

1792-4

Advantages enjoyed by him.

Other officers had similar opportunities, though not perhaps so good, for Macarthur, as inspector of works, was entitled to an extra grant, and had other special advantages. Macarthur expressed astonishment at the marvellous change which had taken place since the departure of Governor Phillip a year and a half before; but great as the change was, it need have excited no surprise. Phillip struggled against exceptionally adverse circumstances. He had been called upon to provide for batch after batch of sick convicts, who were a heavy burden; and after the first year or two, when the strength of the settlement had to be employed chiefly in the erection of buildings, the supply of provisions was so short and so precarious that the convicts were too weak to cultivate the land with any chance of success. Grose occasionally experienced difficulties of a similar nature, but during the greater part of his term the supply of food from England was plentiful.

Phillip's difficulties.

The correspondence which took place between Governor Hunter and the Home Department shows in what manner Grose's system, adopted entirely on his own responsibility, worked. In a letter to Under Secretary King, 1st June, 1797, two years after his return to the colony as Governor, Hunter had no difficulty in explaining why the settlement up to that time had been a disappointment to the British Government. The letter was a private one, but it does not lose importance on that account; on the contrary, its value is enhanced by the circumstance that it was written with a freedom that could not be looked for in the official despatches. Hunter said:—

Hunter's comments on Grose's policy.

"When you come to examine the expences of this settlement since its numbers became considerable, or since 1792, you will say that it has not answer'd the expectation of Government. But, sir, I feel no difficulty in declaring it to be my opinion that such disappointment has not proceeded from the nature of the country, but from other causes. There has not been any land cleared on the public account since the above period,* the people had been

* This statement is at variance with that made by the Surveyor-General—Augustus Alt—on 26th April, 1794 (Historical Records, vol. ii, p. 210),

otherwise disposed of, and the best land now in cultivation is the property of individuals. I have already said what were the advantages deriv'd to the colony by the aid afforded from the public servants to officers upon their farms; the labourers were better looked after, and the live stock was preserv'd. But there were at the same time considerable numbers of convicts dispers'd about in various ways, so as to have been completely lost to the public. Had those who had been so improperly dispos'd of been employ'd on Government's land already clear'd, and in clearing more for the benefit of the public, I do not hesitate to say there would not now have been the occasion to purchase so much grain as we find at this time unavoidable; but had that been the case, it wou'd have ruin'd the expectation of officers and settlers, whose interest appears to have been more consider'd."

1792-4

Favours shown to individuals

at the expense of the Government.

This statement must be read in connection with Grose's congratulatory report on the progress made during his term of office. It shows that while there were grounds for satisfaction at the development which had taken place in agriculture, the results, to which the Lieutenant-Governor pointed with so much pride, had been obtained by a sacrifice of the public interest. Having at his disposal a larger number of workers than Phillip possessed, not men who were fainting with hunger and little capable of labour, but well-fed convicts, with strength to handle the hoe and spade, he disposed of them, according to Hunter's account, in such a way that the advantage which should have accrued to the Government was reaped by the officers. It is also to be noted that the best of the land then discovered had, according to Hunter's report, passed into the hands of the individuals. If no Crown reservations were made, this was the inevitable result of the system adopted, for those who took up land with a view to cultivating it would naturally select the spots that were considered best adapted for the purpose.

Agriculture under Grose and Phillip compared.

The pick of the land.

according to whom the area of land cleared since the departure of Governor Phillip was as follows: —By civil and military officers, 982 acres; by Government and various settlers, 1,980¼ acres. Collins states (vol. i, p. 365) that in the month of April, 1794, nearly 400 acres were sown with wheat on Government account.

1792-4

Grose's policy.

It is not probable that Grose would have admitted that he was doing wrong. Having deliberately adopted a policy, he acted upon it with thoroughness. Knowing how difficult it was to obtain satisfactory results from convict labour in the fields, and being aware of a desire on the part of the officers to try their hands at farming, he ventured to give them an opportunity of showing what they could do. His despatches show that the steps he took in this matter were the result of a set purpose, and that as soon as he had made up his mind to turn the current into one direction he ceased to think of doing anything further to bring the land into cultivation for public purposes. The officers, he informed Dundas, were "the only description of settlers on whom reliance can be placed," and he should therefore "encourage their pursuit" as much as was in his power.*

Officers as settlers.

* Historical Records, vol. ii, p. 15.



GOVERNOR KING.

Reproduced by Heliotype from an original oil painting in the possession of the Hon. P. G. King, M.L.C.

GROSE'S TREATMENT OF KING.

1788-94

One of the blots on Grose's administration was his unjust treatment of Philip Gidley King, the Lieutenant-Governor of Norfolk Island. King, who, in the first instance, was appointed Commandant by Phillip, planted a settlement on the island early in March, 1788, less than two months after the arrival of the First Fleet in Port Jackson; and for two years he managed the affairs of the young colony to the satisfaction of the Governor-in-Chief and the authorities in England. In March, 1790, Phillip placed Ross in charge, and sent King home with despatches, at the same time strongly commending him to the Secretary of State for the Home Department and to the Lords of the Admiralty. The result was that he was promoted from the rank of lieutenant in the Navy to that of commander, and was honoured with a Commission appointing him Lieutenant-Governor of Norfolk Island. He resumed the government in November, 1791, and at the time when he came into collision with Grose he had been more than two years in his second term of government, which he had conducted so successfully that Norfolk Island was almost able to support itself with animal food, and had produced so much corn that it was in a position to give help to the elder settlement. A large part of the land was under cultivation by settlers, consisting of men from the Marine Force, sailors who had been discharged from the Sirius, and convicts who had either been emancipated or had served their sentences. The island settlement was in fact in a most thriving condition until 1793-94, when a series of events occurred which provoked the interference of Grose.

King at Norfolk Island.

Succeeded by Ross.

Progress under King.

1793

Disputes with Grose.

King, in his capacity as Lieutenant-Governor of Norfolk Island, gave offence to Grose in three ways—First, his departure from the island on a trip to New Zealand without having obtained leave from head-quarters; second, the appointment of Captain Nepean to the command during his absence; and third, the course he pursued in suppressing a mutiny of the soldiers who formed the garrison.

Taking the subjects in order, we have first of all King's unauthorised departure. He left Norfolk Island for an important purpose, as it seemed to him—namely, to return two New Zealand natives to their homes. He was not absent for more than ten days, and affairs, during his absence, were in competent hands. It did not occur to him to ask permission from the Lieutenant-Governor of New South Wales, under whose authority he was. Had King waited for permission to leave the island he would have been unable to accompany the New Zealanders to their homes. Possibly he had in his mind the course taken by Phillip, who left Sydney to return to England without having received formal authority to do so.* But the two cases are not parallel. When Phillip left New South Wales there was a Lieutenant-Governor, whose Commission authorised him to take charge of the colony, in the absence or death of the Governor; at Norfolk Island there was no one to take the place of the Lieutenant-Governor, by virtue of any Order or Commission; and without the permission of Grose, King was not at liberty to leave his post.

New Zealand natives.

King conveys them to their homes.

Circumstances under which they were captured.

The natives of New Zealand had been captured, under instructions received from the Secretary of State, for the purpose of affording information to the convicts and settlers at Norfolk Island concerning the manufacture of cordage and clothing from the flax-plant. At first the captives were sullen and dejected, and refused to communicate what

* Grose also gave up the Government of New South Wales and set sail for England without permission, but he excused himself on the ground of necessity.

little knowledge they possessed. It was soon discovered, however, that their refusal was not due to ill-will, but to the apprehension that if they disclosed their knowledge of the subject they would be compelled to work at the flax-making. When it had been explained to them, however, that labour would not be exacted from them, and that if they would teach what they knew they should be sent back to their homes at the earliest opportunity, they readily complied, and became more reconciled to their situation. One of them, however, was a priest, and the other a chief, and it was soon found that they possessed only a general knowledge of flax-manufacture, and not the skill of experts, the thing that was particularly required. According to King, all the information they possessed was extracted from them in an hour.* King treated them with great kindness, lodging them in his own house, and having them at his own table, and they became much attached to him. But they were naturally anxious to return to their country and their friends, and having performed their part of the compact, they implored King to carry out his promise and send them back to New Zealand. They had been twice disappointed, when favourable opportunities for their return had occurred.

1793

Unwilling to work.

A priest and a chief.

Kindly treated by King.

Early in November, 1793, the storeship Britannia arrived at Norfolk Island on her way to Calcutta, whither she had been despatched for supplies. The wind being unfavourable for continuing the voyage, and likely to remain so for some time, King resolved to employ her in returning the New Zealanders to their country, and to go with them himself. Grose could not see why the Lieutenant-Governor of the settlement should leave his post to escort two savages to their homes; but King had substantial reasons. The New Zealanders were influential men in their own country, and had been trepanned under circumstances which must have produced a very strong feeling of anger among

King visits New Zealand in the Britannia.

* King to Dundas, 19th November, 1793.

1793 the people of the Bay of Islands against white men, and particularly those of the English race. The only way to remove that impression, and to obtain the friendship of the New Zealand natives, was to treat the captives well and to return them to their homes. Although the master of the Britannia, Captain Raven, was a man in whom full confidence could be placed, yet King seems to have been nervously apprehensive that some evil might befall his friends if he did not keep them under his protection to the very last. The natives had been treated by King so well during their enforced residence on the island that he had no difficulty in managing them; but it was possible that if they were sent on board a vessel among people to whom they were not accustomed, some unpleasantness, if nothing worse, might arise. Besides, in landing the men in New Zealand, caution was required, for some of the tribes were at war, and if any mistake was made the consequences would have been fatal to the captives.

Conciliating the natives.

Tribal wars.

Apart from considerations of this sort, King was intensely anxious to make a favourable impression on the natives of New Zealand, a country which he thought would be a valuable acquisition to the British Crown. Unlike Collins, who entertained a poor opinion of the place, based upon the report made by the master of the Francis,* King was confident that New Zealand was a valuable country, and he lost no opportunity of urging the propriety of colonising it. He kept the subject under the notice of the Government in his despatches, which show that he had a strong desire to become the founder of a settlement in New Zealand. But he received no encouragement, and many years elapsed before any steps were taken to add New Zealand to the list of occupied British possessions.†

The first reports on New Zealand.

* The Francis was launched in July, 1793, and was sent by Grose to Dusky Bay soon afterwards to spy out the land.—Collins, vol. i, pp. 307, 321.

† In a private letter to Nepean, 19th November, 1793, King says :—"I am confident much publick good would result to the commerce of Great Britain and these colonies if a settlement was made at the Bay of Islands on the river

King explained to Dundas at some length in his despatches of the 19th November, 1793, and 10th March, 1794, the reasons which induced him to leave Norfolk Island and escort the New Zealand natives, in person, to their homes.* 1793

King explains to Dundas.

They were received by a number of friends with great demonstrations of joy, and some pleasant intercourse took place between the New Zealand natives and the people on board the Britannia.† After making a thoroughly good impression on the natives, and promising to visit them again, King returned to Norfolk Island, where he arrived after an absence of ten days. He had the satisfaction of finding that during his absence everything had been conducted with the greatest propriety.

Intercourse with the natives.

The closing passage of his letter of the 19th November, 1793, addressed to Dundas, shows that King was somewhat doubtful whether the Secretary of State would altogether approve of the trip to New Zealand. "Should any part of my conduct not be approved of in the proceedings which I have had the honour to state," he wrote, "I hope my zeal for wishing to forward his Majesty's service and to convey useful information will offer some excuse in my favour."‡ Although he was severely censured by Grose for this and for other steps which he took at about the same time, yet his voyage to New Zealand and back, taken without the

An excuse for King's absence.

Grose censures King.

Thames. . . . Since my return from that country I am more confirmed in its apparent utility." Returning to the subject at the close of the letter, he wrote :—"If N.Z. should be seriously thought on, would it not be advisable for some person to examine the country before any people are sent there? I should have no objection to performing that service, which might be completed in two months on sailing from hence." In another letter to Nepean, written about the same time, King says :—"If it should be thought necessary to settle N.Z., and I should happen to be the person fixed on, I hope my family, which is now growing numerous, will be considered."—Historical Records, vol. ii, pp. 79, 96.

* Ib., pp. 87, 154.

† King took with him on this trip the Rev. Jas. Bain, assistant chaplain, Mr. Thomas Jamieson, surgeon, Mr. W. N. Chapman, storekeeper, two non-commissioned officers of the New South Wales Corps, and twelve privates.

‡ Historical Records, vol. ii, p. 92.

1793 authority of the Governor-in-Chief, was the only part of King's conduct which the Home Department considered open to question.* So far as can be gathered from the Records, King had no idea that his conduct, either in this or in other matters, would have excited the displeasure of Grose; the avalanche of censure which he brought down on his head astonished as well as grieved him.

As regards King's absence from the colony without having first obtained permission, Grose's displeasure, as already suggested, was caused not so much by the act itself as by the choice of a substitute. Grose's view was that the officer in charge of the detachment of the New South Wales Corps, Lieutenant Abbott, should have been selected; and no doubt that was the appointment which in ordinary circumstances would have been made. Lieutenant Abbott, of the garrison in Norfolk Island, was next in authority to King, and the control of affairs in case of the death of the Lieutenant-Governor would have devolved upon him. But King had reasons for not giving the command to Abbott. In the first place, as he explained in his letter to Dundas, the only officers of the corps stationed on the island were subalterns, three in number, and if Abbott had been appointed acting Lieutenant-Governor, no Court-martial could have been held. This can hardly be regarded as a very serious obstacle, inasmuch as King did not propose to be absent more than a few days. But for an accident, however, he would have been obliged to appoint Abbott, or abandon his New Zealand trip. The Britannia, which was employed to convey the New Zealanders to their homes, brought from Sydney Captain Nepean, the senior captain of the Corps,† who was on his way to England, having obtained leave of absence on the ground of ill-health. Being on leave, Captain Nepean was not liable, under ordinary circumstances, to be called upon for duty of any sort, but King regarded the case as one of

Military etiquette.

Officers of marines at Norfolk Island.

Captain Nepean

* Post, p. 316.
† Ante, p. 96.

emergency, and he therefore requested Nepean to take his place while he was absent. Nepean raised no objection, and the appointment was made in an Order in which it was stated that Nepean was called upon to undertake this duty because it was "necessary that a sufficient number of officers belonging to the New South Wales Corps should remain on the island to order and compose regimental Courts-martial." King stated these reasons formally in a despatch to Dundas.* But they were not the only ones which influenced him in the choice of a *locum tenens*. In a private letter to the Under Secretary of the Home Department (Evan Nepean),† King stated that Lieutenant Abbott had some months before taken an active part in certain quarrels between the soldiers and settlers, and was not, therefore, a desirable man to be entrusted with the command. In addition, the subaltern next in rank below Abbott was alleged to be addicted to habits of intemperance, and, therefore, ineligible to take Abbott's place. Lieutenant Abbott was not disposed to give way to Captain Nepean without a protest. He contemptuously declared his intention of refusing to take any notice of King's Order, and alleged that he did so not in his own name only, but in that of the subaltern's as well.‡

1793

placed in charge during King's absence.

Friction between soldiers and settlers.

An obstinate officer.

This occurred the night before King's departure for New Zealand. If Abbott had persisted, other steps would have been necessary, but having slept on the matter, he adopted a more prudent course. He went to King the next morning, and told him that "he should not retard the service by continuing a disobedience to the Order, but that he should represent the oppression that he laboured

Abbott's attitude towards King.

* Historical Records, vol. ii, p. 87. † Ib., p. 97.

‡ Abbott afterwards acknowledged that he had no authority to use the names of these officers. King told Nepean that he "received a letter from Ensign Piper denying that he had ever given Lieut. Abbott the least reason to make use of his name (in refusing to obey the order), as Lieut. Abbott had not even spoken to him on this business previous to his (Lieut. A.) coming to me, and making use of both the officers' names. The other sub'n was so much intoxicated with liquor that he was incapable of giving any opinion."

1794 under." In saying that he should represent the "oppression" he suffered, he meant, no doubt, that he would report it to his commanding officer in Sydney, as well as to the War Office, and there can be little doubt that Abbott's representation of the case had a great deal to do with the anger which the proceedings excited in Grose's mind.

King's letters to Grose.

For some reason, which is not explained, King did not send to Grose a separate statement of the reasons which induced him to go to New Zealand, and to appoint Nepean instead of Abbott, to take charge in his absence. Instead of doing that, he left open his despatch to Dundas, to which Grose was referred for information. This, in itself, may have been regarded as a want of respect.

Mutiny of the soldiers.

On the 30th January, when the Francis was about to return to Port Jackson, King wrote to Grose a long account of matters of far greater consequence—the mutinous conduct of a portion of the detachment, and the measures he had taken to protect the settlers and convicts. Grose's reply, written on the 25th February, 1794,* was in form an official despatch; in substance it was an outburst of unreasonable anger and petulance: it dealt with King's action in regard to the return of the New Zealand natives, and also with the steps taken to subdue the mutinous soldiers. In regard to the former, King's action was declared to be an attempt to lessen the importance of Grose's office. The appointment of Captain Nepean would, Grose alleged, have afforded Lieutenant Abbott good grounds for resisting King's orders; and the detention of the Britannia was unjustifiable and deserving of the highest censure.

Grose's reply.

Cause of his displeasure.

Grose makes it appear in this despatch that the chief causes of his displeasure were King's departure from Norfolk Island without permission, and the return of the New Zealanders before his intentions regarding them had been ascertained. But it is evident, from the little atten-

* Historical Records, vol. ii, p. 125.

tion that is bestowed on these points in the subsequent correspondence, that these were not the real causes. 1794

Grose seems to have thought that as the New Zealand natives had been delivered to him by Lieutenant Hanson, and been forwarded by him to Norfolk Island, therefore, when they were no longer required there, they should have been sent back to Sydney. King himself intended in the first instance to take this course,* but there was no ship going to Port Jackson, and he adopted the readiest way of returning the captives to their homes. Apart from questions of etiquette and official rule, King did right. To send the natives back to Port Jackson, so that the Lieutenant-Governor there might forward them to New Zealand in his own way, would have served no useful purpose. Moreover, King had given his word to the natives that if they would communicate the information they possessed they should be returned to their homes by the first ship. Under this promise they gave the information, and claimed the fulfilment of the undertaking. They had been "thrice disappointed," and were making "hourly lamentations" because they were still detained on Norfolk Island. King went out of his way to restore the captives to their homes, from motives of humanity and policy, not with the object of invading the authority or position of his superior officer. If Grose really thought that this had been done, the explanation given by King in his letter of the 19th March, 1794, ought to have amply satisfied him.

Circumstances of the case discussed.

King's action defended.

King's appointment of Captain Nepean as his substitute, instead of Lieutenant Abbott, appears to have been the real cause of Grose's anger. He had determined that military rule should prevail in the settlements. Almost the first step he took on assuming the government was to destroy the civil authority in New South Wales, and establish a military autocracy. With the arrangements of Norfolk

Real cause of Grose's anger.

* King to Grose, 19th March, 1794.—Historical Records, vol. ii, p. 173.

1794 Island he did not then interfere, apparently because no question as to the status of the military had arisen. But King's action in appointing Nepean, and afterwards in suppressing a mutiny among the soldiers, raised the question in a very pointed manner. The Nepean appointment and the mutiny had nothing to do with each other, but information concerning the whole of the transactions—the visit to New Zealand, the appointment of Captain Nepean, the consequent difficulty with Lieutenant Abbott, and the suppression of the mutiny—reached Grose at one and the same time, and were considered together. King's proceedings throughout appear to have been regarded by Grose as a deliberate design, not only to flout his authority, but to belittle the military power which it was his determination to make paramount. Grose's extravagant condemnation of King was not endorsed by the authorities at Whitehall.* Before adverting to the extreme measures which Grose took to disparage King and propugn the military, it is necessary to relate the leading circumstances of the mutiny and its suppression. The affair was the subject of numerous despatches and reports. A full and consecutive narrative will be found in King's despatch to Dundas of the 10th March, 1794.† This account was written by King with the view of setting himself right with the English authorities. It was transmitted through Grose, who was asked to read it and forward it to the Secretary of State with whatever observations he thought it desirable to make. When Grose wrote his covering letter (eight months after the events had transpired) his resentment appears to have moderated, for he informed the Duke of Portland that the facts were "very fairly and exactly stated" by King. The narrative may be regarded, therefore, as an impartial and accurate statement of the facts.

Military *versus* civil authority.

An imaginary slight.

The mutiny at Norfolk Island.

King's narrative.

Origin of the mutiny.

King, in stating his case, traced the origin of the mutinous disturbance to the intimacy which had sprung up between the soldiers and the convicts; a practice which he

* Post, p. 316. † Historical Records, vol. ii, p. 135.

unsuccessfully endeavoured to prevent, although seconded, but not very actively, by the officers. At first the two classes were on the best of terms, but they began to drink and gamble together, and the natural consequences followed. Quarrels arose, which at first were merely personal, but as the convicts and soldiers, when their disputes brought them under the notice of the authorities, were not dealt with alike, the two classes became hostile to each other, and a very bitter feeling was engendered. The quarrel was aggravated by the licentiousness of some of the soldiers, who intrigued with the wives of the convict settlers, and continued their improper conduct after they had been ordered by their officers to desist. A soldier named Windsor, who had seduced a settler's wife and had been forbidden to go near the place, enticed the woman from her home, and the husband met the two together. In his anger he struck the soldier, who made a complaint. The settler, a man named Dring,* whose sentence as a convict had expired, was brought before the Justices, who fined him twenty shillings. As the defendant had not the means of payment, King allowed the fine to stand over until he had got in his crops. He was also required to give security for good behaviour towards Windsor for twelve months. The soldiers, who had placed themselves upon a level with the convict population by voluntarily associating with them, considered it a heinous offence for one of that class to strike a member of the Corps, and an outcry arose both against the levity of the sentence and its suspension by the Lieutenant-Governor. A settler named Smith, who was a friend of Dring and became his surety, was drawn into the quarrel. Other disputes followed. The parties complained of each other to the magistrates, who ordered in one instance a hundred lashes to a convict named Cooper for striking a soldier, but the punishment was remitted by King at the request of the soldier and his comrades.

1794

Class antipathies.

The settler and the soldier.

Open rupture.

* Dring was employed as coxswain of the boats, and was described by King as a very useful man.—Historical Records, vol. ii, p. 104.

1794 Things were brought to a crisis on one Saturday evening,

A playhouse brawl. the 18th January, when a play was being performed by the freed men* and convicts, with the permission of the Lieutenant-Governor, who was present at the entertainment.† It is clear from what followed that the soldiers had made

A premeditated disturbance. up their mind to create a disturbance. Some time before the performance commenced, one of the non-commissioned officers of the detachment, Sergeant Whittle, entered the theatre, and insisted on occupying a seat which had been reserved for the Lieutenant-Governor's servants. He was remonstrated with by a discharged convict, named Crowder, who was a constable as well as one of the managers of the entertainment. Whittle refused to give way, and a scuffle ensued, in which he received a blow from Crowder. The disturbance which resulted was over before King entered

Soldiers the aggressors. the place. He noticed, however, that a number of the soldiers had come into the playhouse ill-dressed and dirty, and with a demeanour that indicated their temper. After the performance a collision between the soldiers and their opponents took place, which wore a serious aspect from the fact that the soldiers, who were very excited, had, in defiance of orders, armed themselves with bayonets. King, whose house stood not more than twenty yards from the place of

King quells the disturbance. entertainment, heard the tumult and ran out. Seizing the first man he could get hold of, a soldier named Bannister,

* Men who had been convicts, but had become settlers upon the expiration of their sentences or by emancipation.

† King, in his Journal, explains his reasons for sanctioning the play:—"A short time ago one of the magistrates informed me that some of the free men and convicts had applied to him to request my permitting them to get up a play, and to allow them to perform it on Saturdays, when they were perfect in their respective parts. As indulging them in this request did not interfere with the publick work, and as such amusements (when unattended with licentious behaviour) tend to unbend and divert the mind, I very readily gave my consent, on condition that the magistrate who made the application would see it conducted with decency and propriety. With some little assistance the scenery, &c., was well arrang'd, and two plays were performed during this month, in which the actors acquitted themselves with great propriety, and the utmost regularity and decency was observed." This was in September, 1793, three months before the disturbance occurred. Theatrical performances were afterwards prohibited.

who was rushing about with a bayonet in his hand and using violent threats, he handed him over to the guard, and ordered the people to disperse. The order was at once obeyed. But from this point the affair took a serious turn. The soldiers, excited though they were at the time, did not venture to resist King's authority, but they called upon Lieutenant Abbott to give Bannister his liberty. Lieutenant Abbott refused their request, and advised them to retire to their barracks. This they did; but, from a statement made to Lieutenant Abbott by a drummer named Coulston, it appeared that they had formed a determination to release their comrade, Bannister, by force if their request was not complied with by the officers. On the following day, Lieutenant Abbott, having heard something of what was going on, "read to the detachment the oath of fidelity, and spoke to them, saying that he would support his authority while on this island." When the men got into the barracks the question was discussed, and one of the number, a private named Cardell, said that "they must support their authority too, and that no men of the detachment should ever be punished on this island on account of a prisoner, which was said likewise by Wilkinson, and the men all consented to."*

1794

A mutinous detachment.

Although, as it turned out, only a portion of the detachment was seriously disaffected, it was apparent to King that a dangerous mutiny was on foot. The position was one of gravity, and immediate action was necessary. If the mutineers chose to carry their intention into effect, there was no force to stop them. They had possession of arms, and, if they acted together, the settlement was at their mercy. King, after mature consideration, made up his mind that the best course to pursue was to deprive the mutineers of their arms, to appeal to the loyalty of the well-disposed, and to enrol as a militia the men of the marines who had taken up land as settlers, and were thus interested in the preservation of order. The plan was

Necessity for promptitude.

The soldiers disarmed.

* Historical Records, vol. ii, p. 190.

1794 carried out, but not on the Lieutenant-Governor's own responsibility. King was well aware that such a step would be a reflection on the detachment, and that it was not likely to be regarded with satisfaction by the Commandant at Sydney. Before taking action, therefore, he determined to consult all the officers in the settlement, both civil and military, and as it would have been impossible to assemble the military officers at his quarters without exciting the suspicion of the soldiers and so jeopardising the scheme, he wrote out an Order, and had it laid before the officers in detail. His views commended themselves to the judgment of the whole staff, both civil and military, and the action which followed was the result of an unanimous decision, to which the officers of the Corps subscribed as readily as those who belonged to the civil departments. It is important to bear this in mind in considering the attitude assumed by Grose, who threw the whole responsibility upon King.

A consultation of officers.

The disarming of the detachment having been decided upon, the next question was how to bring it about. If the men had been openly required to give up their arms they would probably have refused, in which case disastrous consequences would have ensued. It was accordingly resolved to resort to stratagem.

The arms obtained by strategy

Early on the morning of the 22nd January, a large body of the soldiers was sent to Phillip Island for the purpose of collecting wild-fowl feathers, and at the same time another portion was ordered on duty to Queenborough, one of the out settlements. The soldiers left at head-quarters were believed to be well affected, although under the influence of the mutineers. At nine o'clock, a number of settlers having been previously assembled in the Lieutenant-Governor's house, Lieutenant Abbott, with Ensign Piper and Mr. Grimes, Deputy Surveyor-General, took possession of the arms belonging to the guard on duty. They were then joined by Lieutenant Beckwith, who, with some of the

settlers, took the arms out of the barracks, without any opposition except that offered by the sergeant on duty, who, on seeing Lieutenant Abbott, desisted at once. On the return of the men from Phillip Island and Queenborough, the ringleaders, twenty in number, nearly one-third of the detachment, were arrested and placed in confinement.* 1794

Arrest of the ringleaders.

Having assembled the people, King read a proclamation, which set forth the reasons which had led to the disarming of the detachment, and the determination of himself and the officers of the settlement to maintain order. He took advantage of the occasion to remove the impression which appeared to have existed—quite unfounded, as the facts prove—that he had shown partiality to the convicts in their disputes with the soldiers. He denounced the person or persons who had circulated the false report, and declared that he would "as zealously protect" the soldiers "from injustice or detraction" as he would exert himself to "preserve good order and to defend the liberty of the subject from all unlawful oppression." Those members of the detachment who "had a just sense of the iniquity of their refractory comrades" were assured that there was no intention of attributing any blame to them. The result of the proceedings was that the whole of the detachment, except the mutineers, took the oath of fidelity, and order was re-established. As a precaution, however, against further aggression, King decided to embody as a militia the marine and seamen settlers, forty-four in number. They were described by King as "very steady men, and good soldiers." The Government schooner Francis opportunely arrived not many hours after order had been restored, and King resolved to send the mutineers to Sydney for trial. As the little vessel could not conveniently carry twenty prisoners, ten of the number were pardoned. Lieutenant Beckwith, four non-commissioned officers, and two privates were sent as a

King addresses the inhabitants.

Restoration of order.

* Historical Records, vol. ii, p. 148.

1794

guard, and Beckwith was instructed to give to Grose a full account of the mutiny and its result.

The mutineers sent to Sydney.

King, being anxious to get rid of the mutineers, and to have intelligence of the disturbance conveyed to Sydney, despatched the Francis as soon as possible, and was, therefore, unable to write a full account of the affair to his superior. This was an unfortunate circumstance. It was not at all probable that Grose would have received the intelligence with equanimity even if the unwelcome news had been accompanied by a complete explanation, but King would certainly have done more justice to himself and the officers who acted with him, if he had sent at once the fullest possible statement, instead of leaving Grose to obtain information from Lieutenant Beckwith and the fragmentary reports of which he was the bearer.

Grose appoints a Court of Inquiry.

Upon the arrival of the Francis at Sydney, Grose directed the whole of the officers of the Corps then on duty at headquarters to form themselves into a Court of Inquiry to investigate the circumstances of the mutiny. Grose's letter calling the Court together was decidedly antagonistic to King. It concluded with a direction to endeavour to discover if there was not some excuse or reason for the mutinous conduct of the soldiers, and to ascertain whether King's action in disarming the detachment was justified.*

The evidence.

The evidence on which the Court was expected to decide consisted of the meagre account contained in King's letter of 30th January, 1794;† the depositions and General Orders which accompanied it; an extract from a private letter from King to Grose; and the *vivâ voce* testimony of the accused and their guards.

The finding of the Court.

The finding of the Court, which was most adverse to King, can only be explained on the assumption that the officers who were sent as guards and witnesses, particularly Lieutenant Beckwith, withheld from the Court a great deal

* Historical Records, vol. ii, p. 127. † Ib., p. 103.

of important information. In no single particular was King's action approved of. While admitting that the conduct of the soldiers was "highly reprehensible," and "certainly mutinous," the Court was of opinion that they ought to have been absolved from blame by reason of the provocation and insult they had received. In fact, it so far condoned their crime as to express its belief that they had been forced to mutiny by the "licentious behaviour" of the convicts. The extreme measure of disarming the detachment was declared to have been quite unnecessary. The Court animadverted in the most severe terms upon the policy of King in regard to the disputes between the soldiers and convicts, and expressed its belief that the general conduct of the soldiers on the island would not have discredited any regiment in his Majesty's service. 1794

A severe censure on King.

The finding of the Court was sent to King by Grose on the 25th February, 1794, with a very angry and intemperately-worded despatch, and a General Order regulating the procedure to be observed in subsequent disputes between the soldiers and convicts.*

Grose endorses finding.

In the despatch Grose expressed his astonishment and mortification at what he termed King's "ill-judged and unwarrantable proceedings." His opinions coincided in every point with those of the Court, and in giving expression to them he made no effort to conceal his anger and resentment beneath the courteous forms of official correspondence. He declared that the manner in which the convicts had been allowed by King to act towards the soldiers was "sufficient to provoke the most obedient to outrage," and directed him to immediately disband the militia he had formed, and to send their arms to Sydney. Lieutenant Townson was sent to take command of the detachment, and King was referred to him for all instructions concerning the control of the military.

He upbraids King.

* Historical Records, vol. ii, p. 130.

1794

It is only just to Grose and his officers, however, to assume, as King did, that Lieutenant Beckwith had not communicated all he knew, and that therefore the decision was arrived at on incomplete evidence. In regard to King's action in disarming the detachment, the evidence brought forward by him in his despatch to Dundas of 10th March, 1794,* and in his letters to Grose, shows that when the decision was arrived at the men had got completely beyond control. They had not only committed an act of mutiny in arming themselves and attacking the convicts, they had distinctly refused to obey the orders of the officer in command, and had announced their intention of refusing to submit to any discipline in cases where the convicts were concerned. They had practically thrown off authority. King was fully warranted in informing Dundas that, had a less effective step been taken, the whole detachment would have risked the consequences of resisting the authority of their officers.

The evidence imperfect.

King's action justified.

In a letter to Grose, of the 19th March, 1794,† King further explained that it was not simple refractoriness on the part of the soldiers that led to the serious step of disarming them. He called attention to the threats of violence made by the soldiers against the settlers and convicts, as testified to by Coulston the drummer, Spencer a marine settler, and Dollis a convict of "general good character," and the alarm felt among the people that the threats would be made good. He also pointed to the fact that the soldiers had made known their determination to prevent the execution of the sentence of a Court-martial on one of their number for an offence against a convict. But for these circumstances, "no steps of the kind which were taken would ever have been thought of." King assured Grose that he had acted from a sense of duty, and had taken the only course which seemed likely to be effective. He saw that Grose and the officers who constituted the

Critical condition of the settlement.

* Historical Records, vol. ii, p. 135. † Ib., p. 173.

Court of Inquiry had taken offence because, as it seemed to them, an unnecessary reflection had been cast upon the Corps. He did his best to convince Grose that he had disarmed the detachment with extreme reluctance and under the pressure of necessity, and that he had no desire to cast any reflection upon those who were orderly and well disposed. 1794

Grose's General Order* for the future government of the island, which accompanied his letter of the 25th February, 1794, was a most remarkable document. It practically placed the soldier beyond the reach of the established Court of Justice. In case any assault, however aggravated, was committed by a convict or expiree upon a member of the Corps, the General Order directed the accused "immediately to be given up to commanding officer," who was empowered to order him to be flogged by the drummers of the detachment—even though he had received the greatest provocation or had acted in self-defence. The Order, it will be observed, was to apply not only to convicts but to those who, having completed their period of transportation, were free men. Similarly, the soldier was, if charged with any irregularities, to be called before his officers, who would adjudicate, and whose decision was to have the effect of a verdict of the Bench of Magistrates. On no account whatever was a convict constable to interfere with a soldier, even though engaged in the commission of a crime. The system thus introduced indicates how determined Grose was that military forms and procedure should dominate the settlement at Norfolk Island, as they did at Sydney. General Orders of Grose. Soldier *versus* convict. Ascendancy of the military.

The clause which directed that convict constables (*i.e.*, men who had been chosen as constables after they had served their sentences, or had been emancipated) were not on any pretence to stop or seize a soldier, recalls the dispute between Phillip and Ross as to the powers of the convict night-watch.† Phillip, for the sake of peace and quietness, withdrew a regulation which empowered the watch to detain A historic parallel.

* Historical Records, vol. ii, p. 130. † See Vol. i, pp. 112, 113.

1794 soldiers and sailors who were found straggling at night. Grose, who was Governor at Sydney, as well as commander of the Corps, went further. He ordered that the constables were not to interfere with a soldier, "although he should be detected in an unlawful act." Interpreting this Order strictly, a soldier might have been found robbing the Government stores or committing a murder, but the constables were not to take any steps to restrain the offender; they were to "endeavour to make themselves acquainted with his person," and then give information to the military authorities. This rule was emphasised in another Order, which directed that all complaints against soldiers were to be laid before the commanding officer of the detachment, "who will never suffer the soldier to be given to the custody of a convict constable." On the other hand, any soldier, whether an officer or a private, was on his own responsibility to apprehend any convict who misbehaved. It was necessary to give the soldiers this power, of course; and there would have been no objection to the Order had it not been accompanied by others, which placed the soldiers beyond the reach of any authority but that of their officers.

Immunity of the soldier from arrest.

Grose's treatment of King.

While these Orders were injurious in themselves, they were degrading to the Lieutenant-Governor of the island, who found his position lowered and his authority contemned. The wrong was more grievous by reason of the harsh language in which the instructions were communicated.

King's appeal to Dundas.

He denies the implied charges.

While he did not for a moment dispute Grose's right to make these extraordinary changes in the government of the island, nor forget for a moment the respect due to his official superior, King made a vigorous protest to Dundas against the unjust and degrading treatment he had received.* He pointed out that Grose's order was an implied accusation of leniency on his part towards the convict settlers as against the soldiers. He indignantly denied the charge, pointing

* Historical Records, vol. ii, p. 169.

out that whenever complaints of this sort had been made the accused persons had been brought before the Justices and dealt with. The Magistrates in those cases had inflicted fines, a punishment which Grose considered ridiculously inadequate to the offence; nothing short of a flogging, in his view, would meet offences of this enormity. But the Magistrates, aided by King and Blackstone, had come to the conclusion that they could not, under the laws of England, which they were supposed to follow, order the lash to be applied to free men, even for assaulting a soldier. Grose met this difficulty by depriving the Magistrates of their authority, and placing the Governor of the island below the lieutenant who had charge of the detachment. 1794 A point of law.

Grose's instructions—the main part of them at all events—were immediately carried out. Lieutenant Townson took the place of Lieutenant Abbott, who was recalled, the Orders were promulgated, and Norfolk Island, like New South Wales, was brought under military rule. The militia, consisting of men who had served in Ross's detachment of marines, was disbanded, and the arms with which the men had been supplied were taken away from them, though not without a protest on their part. It seems that these settlers, when they took up land at Norfolk Island, had been promised by Phillip firearms for the protection of their lives and property. In a petition to Grose, 10th March, 1794,* they pointed out that they had always considered their arms as their own property during their residence on the island, and that they were rendered necessary by the fact that numbers of them had been repeatedly robbed and insulted on their own property. Grose's instructions complied with. The militia disbanded.

Lieutenant Townson established himself in the house of the Chaplain. Under Grose's authority, he chose for his own use and that of the officers of the department some land which had been cultivated by officers and overseers, who had Lieutenant Townson.

* Historical Records, vol. ii, p. 190.

1794 enjoyed a permissive occupancy. Determined, apparently, to have the same privileges as his brother-officers in Sydney and Parramatta, be applied at once for the labour of ten convicts, and five for each of his subalterns. Hitherto the number of convicts assigned for the whole detachment was only twelve. When Townson made the application there was a pressing demand for labour to get in the crops and prepare the Government ground for seed, and as King had not received any instructions from head-quarters on this point, he did not comply with the request, but wrote for fuller instructions.

Convict labour.

King's obedience to Grose's orders.

All the changes directed to be made by Grose were loyally carried out by King, notwithstanding the humiliation which his compliance involved. He was rewarded by a confession on the part of Grose that he had written hastily and unjustly, and by the approval of the Secretary of State. In forwarding King's account of the disturbances at Norfolk Island to Dundas, Grose wrote, under date the 30th August, 1794:—

Grose exonerates him.

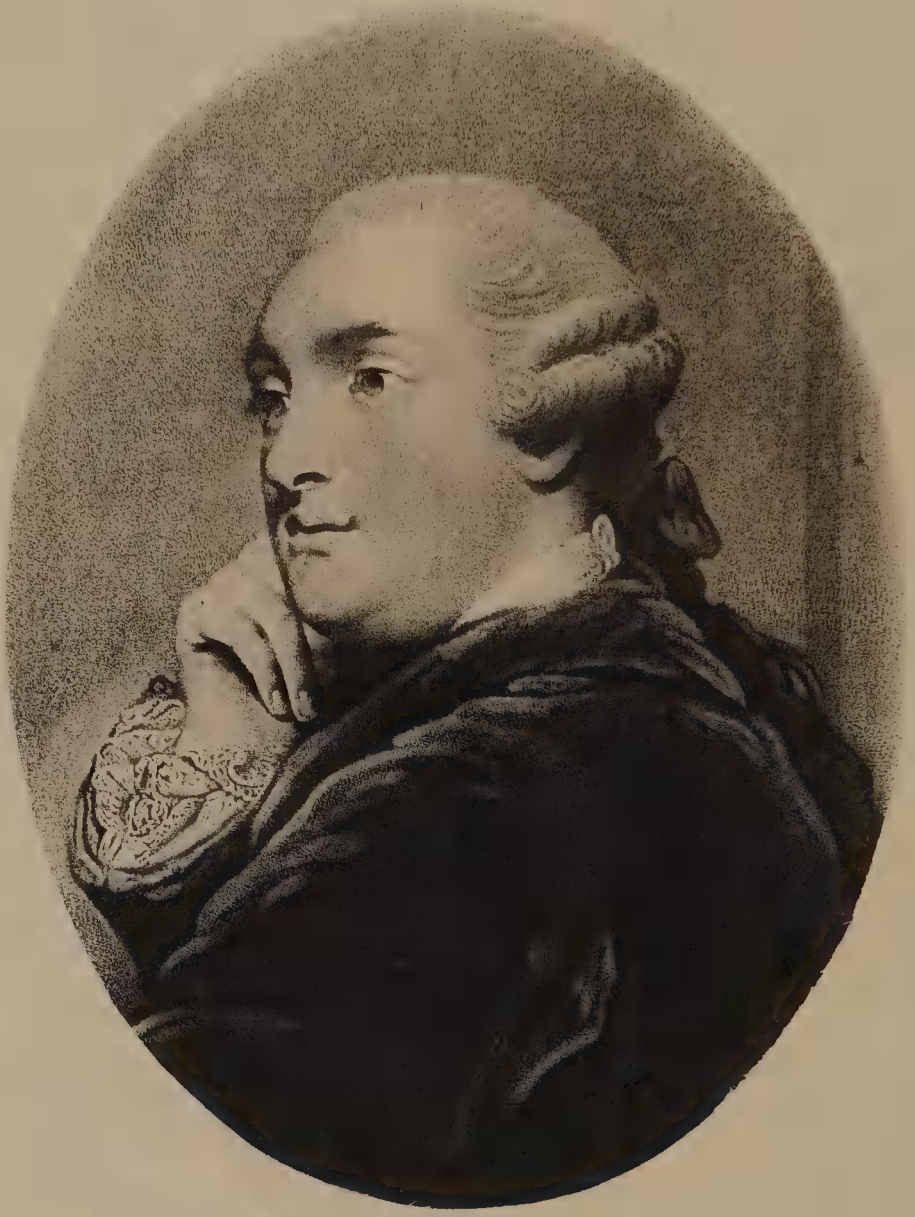
"As whatever has happened is very fairly and exactly stated by this officer, I shall not myself say anything on the subject, excepting that I am well assured he will be much mortified should it appear to you he has acted improperly; and as my letter to Lieutenant-Governor King, of which you receive from him the copy, was written at a time when the situation of the colony did not wear the most pleasing aspect, it may, in some degree, account for my having expressed myself in such severe terms to an officer of whom I should be exceedingly sorry if any unfavourable conclusions were drawn from anything I felt it my duty at that time to say."*

In this letter Grose relieved King from blame, and at the same time accused himself of harshness and injustice. But, considering that in the despatch which King sent to Dundas, Grose's action was elaborately criticised, it seems strange that the latter had nothing to say on the subject.

Grose's return to England.

Before these transactions came under the notice of the Secretary of State, Grose had left the colony, and if there was

* Historical Records, vol. ii, p. 252.



THE DUKE OF PORTLAND.

Reproduced by Heliotype from an original oil painting.

any correspondence between him and the Government on the subject, it must have taken place after his return to England. The communication, if any, was probably verbal. The Records, at all events, do not show that any official letters passed between Grose and the Home Department with regard to his treatment of King. King obtained from Grose's successor a copy of the minutes of the Court of Inquiry, and discovered from them that Lieutenant Beckwith had withheld most material information; and that Sergeant Ikins and Private Bannister had misled the Court by false evidence. Some light is thrown on this matter by a passage in the manuscript journal of Lieutenant-Governor King (July, 1794), in which he expressed disappointment and concern that Grose had not thought proper to make any other reply to his long letter of the 19th March, 1794,* than by sending him a copy of his letter to Dundas, in which he confessed that he had been in the wrong.† "I also," King went on to say, "received a private intimation that Governor Grose was ready to suppress it (King's letter of explanation and remonstrance) altogether. This proposal I could not hesitate agreeing to, on condition of the Court of Inquiry revising their decision, or some act exculpating me from the unjust censure that has been heaped on me." So far as can be ascertained from the Records, the Court did not revise its decision, nor was anything done to justify King's conduct until it received the formal approval of the authorities in a despatch sent to Governor Hunter soon after he had taken command at Sydney. Previous to that event a change had taken place in the personnel of the British Government, which, probably, accounts for the fact that King's long letter to the Secretary of State was unanswered. On the 11th July, 1794, Dundas retired from the Home Department, and his place was taken by the Duke of Portland. Writing to Hunter on the 10th June, 1795, when the new Governor was on his way to Sydney,

1794

Minutes of the Court of Inquiry.

King's complete exoneration.

* Historical Records, vol. ii, p. 173. † Ante, p. 314.

1795 the Duke of Portland intimated that he had received the despatches of Grose from April to August, 1794, together with two letters from King. Having considered this correspondence, the Duke of Portland gave his decision, which, on the whole, was an approval of King's conduct. The only exception was the trip to New Zealand :—

Portland's despatch.

King's action endorsed.

"I have maturely considered the statement made by Lieutenant-Governor King of the transactions in Norfolk Island referred to in Lieut.-Governor Grose's letter of the 30th August, and I am far from imputing to Lieut.-Governor King any degree of blame which calls for serious reprehension. What I most object to is his quitting his government and departing with the New Zealanders in the Britannia without previous communication with Lieut.-Governor Grose.

Portland's opinion concerning the mutiny.

"With respect to the mutinous detachment that was sent from the island, I am truly sorry to observe that their conduct was such as to merit much severer treatment than it met with. The source of their disorderly conduct and of their disobedience clearly arose from their having been improperly permitted to mix and interfere with the other inhabitants, but particularly with the convicts, from whom, as their situation and their duties are perfectly separate and distinct, so should their conversation and connections. The best proof I can receive that both the one and the other are properly governed will be that matters of dispute seldom arise between them, and for this plain reason, because they should neither of them ever be in the way of it. But whenever such disputes do arise, strict and impartial justice must decide between the parties, for whoever misconducts himself must be considered as losing all title to preference or distinction from being of a different class or description.

Disputes between soldiers and settlers.

"I have thought it necessary to express my sentiments more fully on this subject, because I am inclined to think that the General Orders of Lieut.-Governor Grose, dated 25th February, 1794, transmitted to Lieut.-Governor King, must have been hastily conceived on the pressure of the moment, and without due attention to the principle I have above mentioned, and which in the distribution of justice should never be lost sight of.

Grose's Orders.

"I am of opinion it would be better, whenever such disputes arise, which I trust will be very rarely, that the complaint in the

Procedure in future cases.

first instance should always be guided by and follow the nature and description of the person. 1795

"Thus, if a convict, or any civil person, is complained of, the complaint should be to the Governor or the nearest magistrate; if a military person, to the Commander-in-Chief, or nearest officer, as the case may require."

Practically, this despatch is a vindication of King, and a condemnation of the military authorities as represented by Grose.

Portland's instructions discussed.

The Duke of Portland expressed the opinion that if the settlement was properly governed—that is to say, if the two classes were kept apart—disputes would seldom arise; but if disputes did occur he was particular in stating that "strict and impartial justice must decide between the parties." This was the wholesome principle that a Minister of the Crown might have been expected to lay down; but it would be difficult to find any trace of it in Grose's Orders, which distinctly favoured the soldier, and placed the rest of the people at a disadvantage. As the Duke of Portland was writing to a third person, he could not have censured Grose in this despatch; but it is clear that in the estimation of the Secretary of State a mistake had been made. Practically, the instructions contained in the despatch to Hunter abrogated Grose's Orders, and restored the government of the island to the footing which it had previously enjoyed.

Restoration of the civil power.

The restoration took place in April, 1796, when King, authorised by Letters Patent from the Crown, cancelled Grose's Orders, and substituted others embodying the principles laid down in the Duke of Portland's despatch. King, in making the change, showed a consideration for the feelings of others which was in striking contrast with the harsh treatment he had received from Grose and the officers of the New South Wales Corps. Writing to the Duke of Portland on the 30th May, 1796, he said:—

"As I have ever considered an obedience to orders as indispensable, I have not hitherto allowed a deviation of Lieut.-Gov'r

1794 Grose's Orders of 25th Feb'y, 1794, until now, when it has been done in such a manner as not to hurt the feelings of anyone present or absent, which I hope will be obvious from the tenour of the enclosed Proclamation made publick on the day the patent was read."

Grose's Orders abrogated.

The Proclamation in question annulled certain Orders and confirmed others. Those issued by Grose in February, 1794, which conflicted with the directions received from the Home Department, were abrogated; those which did not conflict were retained. In this King's kindly disposition showed itself. A man of less generous mind would have given effect to his instructions without troubling himself about the feelings of others.

APPENDICES.

APPENDIX A.

SERVICES OF BREVET-MAJOR ROBERT ROSS.

[Compiled from the Records of the Royal Marines.]

Rank.	Where Serving.	From—	To—
	Previous Services not traceable.		
Captain-Lieut.	Plymouth Division	12 Mar., 1773	15 May, 1773
	H.M.S. Albion	16 May, 1773	15 July, 1773
	Plymouth Division	16 July, 1773	21 Feb., 1774
	H.M.S. Boyne	22 Feb., 1774	7 April, 1774
	Plymouth Division	8 April, 1774	10 Oct., 1774
	H.M.S. Somerset, and North America	11 Oct., 1774	24 July, 1777
Captain, 18 Aug., 1775.	Plymouth Division	25 July, 1777	11 Aug., 1777
	Recruiting, Ireland	12 Aug., 1777	15 April, 1779
	Plymouth Division	16 April, 1779	14 June, 1779
	H.M.S. Ardent	15 June, 1779	9 Feb., 1780
	Plymouth Division	10 Feb., 1780	17 Mar., 1780
	Recruiting, Tiverton	18 Mar., 1780	11 Jan., 1781
	Plymouth Division	12 Jan., 1781	8 Feb., 1781
	H.M.S. Foudroyant	9 Feb., 1781	6 Mar., 1783
Brevet-Major, 24 April, 1783.	Plymouth Division	7 Mar., 1783	8 Mar., 1787
	Botany Bay	9 Mar., 1787	29 June, 1792
	Command, London	30 June, 1792	25 Aug., 1792
	Plymouth Division	26 Aug., 1792	21 Nov., 1792
	Appointed Chatham Division, but did not join.	22 Nov., 1792	13 Dec., 1792
	Ordered recruiting, St. Albans	14 Dec., 1792	26 Jan., 1793
	Recruiting, Brentford ...	27 Jan., 1793	24 Aug., 1793
	„ Ipswich	25 Aug., 1793	9 June, 1794

Died whilst borne on the Recruiting Service, Ipswich, on the 9th June, 1794.

APPENDIX B.

H.M.S. GUARDIAN.

Account of the Disaster that befell His Majesty's Ship Guardian, Lieutenant Riou, Commander.*

1789

Equipment of the Guardian.

This ship was fitted out in a most expensive manner, and furnished with all sorts of stores and provisions for the new settlement at Botany Bay; and had a very prosperous voyage till she arrived at the Cape of Good Hope, where she recruited her provisions, and increased the number of her live stock beyond any former precedent.

An iceberg sighted.

On the 24th of December, 1789, being in lat. 44° S. and long. 41° 30′ E. of London, the weather extremely foggy, we saw an island of ice about three miles to the S.W. Lieutenant Riou gave directions to stand towards it, in order to collect lumps of ice to supply the ship with water. This proceeding was judged highly expedient, as the daily demand of water was prodigious, owing to the great quantity of cattle on board. As the ship approached the island, the boats were hoisted out and manned, and several lumps collected. During this time the ship lay-to; and on the supply of water being brought on board, she attempted to stand away. Very little apprehension was at this time entertained of her safety, although the monstrous bulk of the island occasioned an unfavourable current, and, in some measure, gave a partial direction to the wind.

Replenishing the water supply.

On a sudden the base of the island, which projected under water considerably beyond the limits of the visible part, struck the bow of the ship; she instantly swung round, and her head

* Reprinted from the Annual Register, vol. xxxii, pp. 254–262.

cleared ; but her stern, coming on the shoal, struck repeatedly, 1789
and the sea being very heavy, her rudder broke away, and all her The vessel strikes the iceberg
works abaft were shivered. The ship in this situation became in
a degree embayed under the terrific bulk of ice, the height of
which was twice that of the mainmast of a ship of the line.

At this critical moment the captain and officers retaining their spirit, their example and vigorous exertion led the people to their duty ; but it was with difficulty they were prevailed on to overcome the first panic and lend their assistance to trim and fill the sails. This being at last effected, and the foretopgallant-sail and A critical position.
staysails between the fore and main masts being set on the ship, she began to forge off, and the same instant struck with greater force, if possible, than before, nearly abreast of the main-chains, kept crashing for some time along the ice under her, and at last shot entirely clear of it. The weather continued very foggy, and the wind blowing strong, we soon lost sight of the ice. Our spirits then gained new vigour, and served to supply fresh strength, and to support us under the afflictions which were yet in embryo.

From the commencement of these misfortunes to this short interval of better hope includes about the space of half an hour ; and the cheering prospect again vanished as a flash of lightning.

At about a quarter past eight the carpenter came up from A rapidly-increasing leak.
sounding the well, and reported two feet water in the hold, and
that it was increasing very fast. The pumps were ordered to be rigged and got to work, and all the officers and people joined in a diligent and spirited compliance therewith. The chain-pumps were at first found to be much out of order, which caused some delay. Meantime all the hands that could be spared were set to work to clear the deck of the cattle, &c., holding themselves in readiness, however, to man the pumps, which about nine o'clock were all at work ; and three or four of the people were left between decks to hoist up and heave overboard whatever they could manage. The water had at this time increased to three feet and a half, and was still gaining on all the pumps. The few hands left between decks did almost more than their strength could be expected to effect : In the course of half an hour they got up and hove over- The cargo jettisoned.
board most of the bags of flour, pease, wheat, barley, &c., received
at the Cape of Good Hope, besides two hogsheads of tobacco. At about ten, water had increased to five feet.

1789 Since the first of our misfortunes there had not been an officer or man unemployed. It was, however, impossible that the few hands we had could hold out much longer, if employed together; a reservation was therefore made by dividing the whole of the officers, seamen, convicts, &c., into two watches, to relieve alternately. About half-past ten, the first division went to the pumps. At this time the captain ordered refreshments to be allotted to each man, taking particular care that the grog should not be made too strong. Every man received a dram for the first supply, with biscuit and cheese, which seemed to give them fresh spirits. The rum above was soon nearly expended; but the captain thought it would be extremely dangerous to open the hold to get at more, for fear of the men's getting at it. Wine and water was accordingly given in lieu.

Division of labour.

Stimulants.

Leak gaining. At midnight the water had increased to six feet, and it was then blowing a very strong gale. At daybreak a few hands were set about filling one of the lower studding sails with oakum, and the off watch were ordered to get it under the ship's bottom, which was found to be extremely difficult. The leak, however, gained upon us near a foot of water during this application. By unwearied exertions at the pumps it became reduced, and continued diminishing till near eleven o'clock, when the water was reduced to only nineteen inches.

Then diminishing.

Leak again increasing. At half-past eleven we were, however, unhappily informed that the leak had again gained upon us some inches, and continued to do so, more or less, for a short time. Another sail was then prepared for a second fothering, which again encouraged our hopes. At noon the water was twenty-seven inches, the ship's head about W., the wind blowing very hard.

Rough weather. Dec. 25.—It still continued to blow a strong gale, the sea running extremely high, often breaking over the ship with great violence. Between one and three in the afternoon, the second fothering was got under the ship's bottom. About this time several of the crew became almost unable to perform any duty. The weather was likewise uncommonly piercing. At four the water again gained on us, when Mr. Clements went down by the way of the rudder into the gun-room, and from thence into the bread and spirit rooms, to endeavour to discover the leak, but without effect. It was then thought fit to endeavour to scuttle

Crew incapacitated.

Efforts to find the leak.

the deck close aft, which, being out of the roll of the water, would enable us to get up and heave overboard some more of the cargo. 1789

Accordingly, the captain, the chaplain, the purser, and two men were employed in this business, but unfortunately endeavouring to heave up a cask, it fell back on the captain, and bruised his hand in so shocking a manner as to disable him from giving any farther assistance. This endeavour was then given up, and all hands were again set to the pumps. Captain disabled.

At five the water increased to four feet, and at midnight to four feet and a half. At this time the starboard pump became disabled, from the wrench breaking; and the leak from that time gained upon us very fast. Leak increasing.

At four in the morning the water was reported to have increased to six feet, and at six to seven feet. About this time the people began to break off occasionally from the pumps, and to secrete themselves, and could only be kept to their duty by threatening to have them thrown overboard. During the night, the fore and maintop sails were shivered by the violence of the wind, and the ship left entirely at the mercy of a most tremendous sea, the dreadful prospect being rendered still more dismal by the thick, black, stormy clouds, which appeared as if collected to hide our misfortunes from the compassionate eye of Providence. Dereliction of duty.

The people till now had been kept unacquainted with the true state of the ship, which had hitherto been reported favourable, when one of the carpenters stationed to sound the well, came up, and reported that the water was as high as the hallop-deck, and gaining above a foot every half-hour. The officers could not possibly suppress this report; and many of the people, who were really unable to bear the fatigue any longer, immediately desponded, and gave themselves up to perish with the ship. A part of those who had got any strength left, seeing that their utmost efforts to save the ship were likely to be in vain, applied to the officers for the boats, which were promised to be got in readiness for them, and the boatswain was directly ordered to put the masts, sails, and compass in each. The cooper was also set to work to fill a few quarter-casks of water out of some of the butts on deck, and provisions and other necessaries were got up from the hold. Leak rapidly increasing. Crew despondent. Preparing the boats.

Many hours previous to this, Lieutenant Riou had privately declared to his officers that he saw the final loss of the ship was

1789 inevitable, and could not help regretting the loss of so many brave fellows. "As for me," said he, "I have determined to remain in the ship, and shall endeavour to make my presence useful as long as there is any occasion for it."

Captain remains with the ship.

He was entreated, and even supplicated, to give up this fatal resolution, and try for safety in the boats. It was even hinted to him how highly criminal it was to persevere in such a determination; but he was not to be moved by any entreaties.

His calm demeanour.

He was, notwithstanding, as active in providing for the safety of the boats as if he intended to take the opportunity of securing his own escape. He was throughout as calm and collected as in the happier moments of his life.

Condition of the vessel.

At seven o'clock she had settled considerably abaft, and the water was coming in at the rudder-case in great quantities. At half-past seven the water in the hold obliged the people below to come upon deck; the ship appeared to be in a sinking state, and settling bodily down; it was, therefore, almost immediately agreed to have recourse to the boats. While engaged in consultation on this melancholy business, Mr. Riou wrote a letter to the Admiralty, which he delivered to Mr. Clements. It was as follows:—

"H.M.S. Guardian,
"Dec. 25, 1789.

Captain's letter to Admiralty.

"If any part of the officers or crew of the Guardian should ever survive to get home, I have only to say their conduct, after the fatal stroke against an island of ice, was admirable and wonderful in everything that relates to their duty, considered either as private men, or in his Majesty's service.

Solicitude for mother and sister.

"As there seems to be no possibility of my remaining many hours in this world, I beg leave to recommend to the consideration of the Admiralty a sister, who, if my conduct or service should be found deserving any memory, their favour might be shown to, together with a widowed mother. I am, &c.,
"Phil. Stephens, Esq." "E. Riou.

Launching the boats.

He then ordered the boats to be hoisted out, in order to afford a chance of safety to as many as he could with propriety. The people who were able were accordingly collected together, and the cutter hoisted out on the lee-side, and afterwards the other boats on the booms. They were, fortunately, all got into the water

with very little damage; but the sea running immensely high, it was with difficulty they were kept from being stove alongside. The launch being forced to drop on the quarter, to make room for the two cutters, was nearly drawn under the quarter and sunk, and at last obliged to cast adrift from the ship, with only seven or eight men on board, and without any provision or water. A coil of rope was then handed from the quarter-gallery, and passed over to Mr. Somerville, the gunner, in the jolly-boat, which hung over the stern. This boat, on being lowered down, was drawn under and sunk. As soon as the launch had again rowed a little nearer to the ship, one of the people in her caught hold of a rope, until the cutters brought them provisions, &c., and veered to a good distance astern. A small quantity of biscuit, and an eighteen-gallon cask of water, was then let down between the main and mizen-chains into the small cutter, which was the last thing taken in. The purser then got into the main-chains, and from thence leaped into her; Mr. Wadman and Mr. Tremlett likewise, fortunately, got into the boat from the mizen-chains. It was with great difficulty rowed clear of the ship, and steered for the launch.

1789

A hazardous operation.

The jolly-boat swamped.

Quitting the ship.

The agitation of mind on this melancholy occasion may be better imagined than described. Mr. Riou was at this moment walking the quarter-deck, and seemed happy the boat had got safe from alongside. The ship was drifting astern, and gradually sinking in the water. Mr. Clements began to be afraid she would drive upon the launch; he therefore called to the crew to cut the tow-rope, and row out of the ship's wake.

Fortitude of the captain.

Mr. Somerville, the gunner, who was looking over the ship's stern, hearing the order, prayed them to hold fast a moment, and he would jump overboard and swim to them; he did so, and was followed by John Spearman, seaman, who were both received safe, and the boat then cut, and rowed out of the ship's track. About three-quarters past eight we got alongside the cutter, and Mr. Clements, Mr. Wadman, Mr. Tremlett, and the purser, with one or two more of the men, went on board, and took two bags of biscuit and a cask of water. The crew were ordered back to the ship for further supplies, and to receive as many of the people as could with safety be taken on board.

The cutter ordered to return for supplies.

They were not, however, to be prevailed on to return, but rowed off to some distance, and lay-by to observe our motions. The Rev.

The order disregarded.

1789 Mr. Crowther left the ship in the cutter, and got an opportunity of joining the launch while making the exchange. There were then left on board the cutter, Mr. Brady, midshipman, Mr. Fletcher, captain's clerk, and five seamen.

By this time the jolly-boat had nearly come within hail, and we lay-by till informed of her situation; she brought with her neither provision, water, compass, or quadrant. Hence we were reduced to the sad medium of consulting our safety alone; and perhaps never did the human mind struggle under greater difficulties than we experienced in being obliged to leave so many behind, in all probability to perish; but it was evident that more people could not with propriety be received on board the launch, from our quantity of provisions, viz., two bags of biscuit of about 100 lb. each, two mutton hams of five pounds each, a goose, two fowls, about twelve pounds of butter, a cheese, a small keg of rum containing about four gallons, and a small rum-cask of water, marked on the head twenty gallons. This was a very inadequate sustenance for fifteen souls already in the boat, who had to traverse the vast distance of 411 leagues in a boisterous ocean, without any means of relief.

Probable fate of those on the jolly-boat.

Provisions on the launch.

There being yet a spare compass and quadrant in the launch, they were, by Mr. Clements' direction, handed into the jolly-boat. At this time one of the convicts attempted to get on board us, but was opposed by all, and pushed into the sea. The fellow in the struggle caught hold of Mr. Clements, who was with difficulty saved from being pulled out of the boat along with him. The people in the jolly-boat picked the man up again, and then took to their oars, and rowed close upon our quarter, as if determined to board us by force. To prevent, therefore, any scuffle, it was immediately agreed to make sail; and we took our final departure from this scene of misery and distress at about nine o'clock. The ship at this time appeared sunk down to her upper-deck ports. The large cutter, which was watching our motions, immediately made sail after us, but in a short time fell much to leeward. Mr. Clements thought they intended making for Prince Edward's or Marien's and Crozet's Island. The small cutter remained hanging on at a distance from the ship. They also stepped their masts in the jolly-boat, and made sail after us; but, disappearing almost at the same moment, we think the boat filled and went down.

Struggling for life.

The launch leaves the ship.

The jolly-boat disappears.

At ten o'clock we had a hard squall of wind, with a heavy fall of rain; at half-past eleven lost sight of the ship and small cutter. At noon observed the latitude to be 44 deg. 7 min. S.; the boat was kept as much to the northward as the sea would allow. The wind at this time was about N.W. 1789 Weather and course.

Dec. 26.—Strong gales, squally and cloudy weather, with remarkably high seas. We were this night very much numbed and chilled with cold, and could get no sleep. In the morning the weather became more moderate. At four o'clock shifted the fore-mast to its proper place, stepped the main-mast, and set the fore and main sails; at eight the people were employed to make a maintop-sail out of some sheets, and a yard out of one of the boat's thwarts; the hand of a broken oar was converted into a top-mast. A small tobacco-cannister was cut up to make a measure for the distribution of the water, rather less than a jill, two of which it was agreed to allow each man a day. Serving out of the water.

Dec. 27.—First part, moderate breezes and cloudy weather. At one p.m., having boiled all our poultry, and cut up the goose, which was but small, into fifteen equal parts, one of the men forward was then blindfolded, and directed to call each person by name, and another was appointed to serve out the morsel by lots. Notwithstanding we had now fasted above thirty hours, all were perfectly satisfied with the small morsel; and some had so little appetite that they reserved a part of it for a future occasion. But the very scanty measure of water received afterwards by no means allayed the universal craving for drink, evidently occasioned by the excessive heat and feverish state of our bodies. We did not dare, however, to take one drop more than the prescribed allowance. We therefore, through necessity, became philosophers, and submitted with becoming resolution to the exigencies of the moment. At seven we received our second measure of water, which, being succeeded by the coldness of the night, administered greatly to our relief. At midnight it blew a fresh gale, with dark, cloudy, and remarkably cold weather. The launch was at this time brought under her main-sail only, and the weather continuing much the same, no alteration was made throughout the day. Dividing provisions. Excessive thirst. The weather.

Dec. 28.—The first part fresh gales and cloudy weather, middle more moderate. About noon we had one of the fowls cut up, and divided amongst us, as on the preceding day, and then received Division of food.

1789 our jill of water. The heat and fever of our bodies increased, and our lips began to break out in watery and ulcerous blisters. This day one of the crew, being afraid of famishing, requested his whole quantity of water for the day at one serving, which Mr. Clements opposed. He therefore had recourse to salt-water, of which he drank freely. At five in the morning got the top-mast up, and set the top-sail; at ten fresh gales, lowered and took in the top-sail. In these seas are constantly vast numbers of sea-fowl flying about; and had we been fortunate enough to have had a fowling-piece we could not have been much at a loss for provisions. Powder and shot we had in store, and two brace of pistols, but were unable to do any execution with them.

Salt-water to allay thirst.

Sea-birds plentiful.

Dec. 29.—This day cut up and divided our last fowl, and shared our water as before. At daybreak strong gales, with flying showers of rain, from which we endeavoured to benefit as much as possible by facing the weather with our mouths open and handkerchiefs spread out; but the drifting moisture was so thin and light that we were barely able to catch sufficient to wet our lips. This morning we received a small thimbleful of rum each, which was occasionally allowed.

Slight rain.

Dec. 30.—We were this day reduced to a very low ebb indeed, and could not eat the smallest crumb till supplied with an additional measure of water to moisten our lips, which were almost held together by a tough viscid phlegm that could not be expectorated but with the greatest difficulty. On this occasion we dipped our bit of biscuit in the water; and afterwards supped a little of it with each mouthful to force it down. The butter, cheese, and hams were left free for the use of everyone, for they were found to occasion greater thirst, and therefore remained almost untouched. Several of the crew had again recourse to the salt-water, which appeared not to have any bad effect.

Strength failing.

Drinking salt-water.

Dec. 31.—We again suffered greatly this day from the burning heat of the sun, and the parched state of our bodies, and were allowed an additional measure of water, with a larger portion of rum than usual, in which we soaked our bit of biscuit, and made our meal of it. About four in the afternoon the clouds began to shew for rain, and we made preparations accordingly; but were so unfortunate as to see it fall in heavy showers all around us, and had barely as much over the boat as would wet our handkerchiefs.

Excessive heat.

Rain.

The people this day appeared to be in a more hopeless state than ever, and discovered signs of disrespect to their officers, which was, however, happily checked in time by the spirited conduct of the gunner, who chastised the leader in the face of the whole crew, and restored discipline. Many of the people this day drank their own urine, and others tried the salt-water. The weather was this day more warm and sultry than at any time since our misfortunes. 1789 Insubordination.

Jan. 1.—We dined this day as on the preceding, and in general appeared in better spirits, which we considered, on account of its being the first day of the new year, a happy presage of our safety. Better spirits.

Jan. 2.—Clear weather till about 4 in the afternoon, when it became overcast and blew a fresh gale. We had before this dined on our usual fare of biscuit and water, with half a measure of rum, and were all in tolerable spirits; but the gale increasing during the night, and the sea running immensely high, brought us again into great danger, which, with the disappointment of not seeing land in the morning, as expected, reduced us to our former miserable state of despondency. At eight in the evening the fore-sail was shifted to the main-mast, and the boat sailed under it reefed till about six in the morning, when the mizen was set on the foremast, to give her greater steerage-way. At noon the latitude was by observation 33 deg. 19 min., and supposed longitude E. of Greenwich 34 deg. 15 min. A fresh gale. Position.

Jan. 3—About seven in the evening the clouds put on the appearance of a very heavy rain, but unfortunately broke over in a most dreadful storm of thunder and lightning, attended with gusts of wind and very little rain, succeeded by a violent gale of several hours from the S.W., in which we were near perishing. On this occasion the master and the gunner succeeded each other at the helm, and by their experience and judgment in the management of the boat, we were this night enabled to traverse in safety an ocean of such fierce and tremendous seas, in different directions, as we could scarcely allow ourselves the hope of escaping. Heavy storm. Able seamanship.

At daybreak the gunner, who was then at the helm, discovered a ship at a little distance from us laying under her bare poles. Our joy at this sight was great beyond expression, and, anxious to secure so favourable an occasion, we immediately made more sail, and between five and six o'clock passed close under her, and A ship.

1789 informed her people of our distresses. We then veered about, and put alongside her on the other tack.

The rescue. The people on board her crowded immediately to our assistance, and received us in the most friendly manner. As soon as we were alongside, several of them jumped in, and assisted in keeping the boat from being stove.

This ship was named the Viscountess of Britannie, a French merchantman, Martin Doree, master, with part of Walsh's or 95th Regiment, from the Isle of France, to touch at the Cape of Good Hope for a supply of water and provisions, on her way to Europe.

Kind attentions. The officers of this corps were unbounded in their friendship and attention towards us, affording us every possible comfort, and even giving up their beds for our use.

Land at Table Bay. Jan. 18.—At noon anchored in Table Bay, Cape of Good Hope.

But to return to the ship. She continued some days in the same state as at the departure of the boats, at the mercy of the winds and waves, without a rudder, and every instant in danger of being swallowed up in the abyss. Attempts, however, were made by the crew occasionally to reduce the water, when their strength permitted, and thus, by wonderful exertions, was the Guardian kept afloat till a Dutch packet-boat from the Spice Islands and Batavia, providentially steering a high southerly latitude, fell in with her, afforded her aid of men and materials, and enabled her to make good her way back to the Cape of Good Hope, and kept her company during her course. The Guardian was full 400 leagues from the Cape when she fell in with the island of ice.

Fate of the Guardian.

APPENDIX C.

GROUND IN CULTIVATION, 16TH OCTOBER, 1792.

1792

	Acres in Wheat.	Acres in Barley.	Acres in Maize.	Garden Ground.	Ground cleared of Timber.	Total Number of Acres.
At Parramatta	¾	7½	308	....	....	316¼
At and leading to Toongabbe	171½	14	511	....	....	696½
Total public ground	172¼	21½	819	....	....	1,012¾
Belonging to settlers and others—						
At Parramatta	..	..	..	1	....	....
The Governor's garden	—	½	2	3 vines	....	6½
Garden-ground belonging to different people, including convicts' gardens	..	..	..	104	....	104
At Parramatta, 1 settler	3	..	18	1	7	29
At Prospect Hill, four miles to the westward of Parramatta, 18 settlers	11¼	..	84	....	....	95¼
At The Ponds, two miles to the north-east of Parramatta, 16 settlers	10¼	2¼	63	3½	16½	95½
At the northern boundary farms, two miles from Parramatta, 5 settlers	3	..	35	2¾	11	51¾
At the Field of Mars, on the north shore, near the entrance of the creek leading to Parramatta, 8 settlers (marines)	4	..	44½	2	31	81½
At the eastern farms, 12 settlers	..	..	40½	....	12½	53
On the creek leading to Parramatta, 7 settlers	4¾	..	80½	4	22	111¼
In cultivation by the civil and military at Sydney	..	..	..	....	62½	62½
Total	208½	24¼	1,186½	121¼	162½	1,703

APPENDIX D.

1790

30 Geo. III, cap. 47.

AN Act for enabling his Majesty to authorize his Governor or Lieutenant-Governor of such places beyond the seas to which felons or other offenders may be transported to remit the sentences of such offenders.

WHEREAS by several Orders made by his Majesty, by and with the advice of his Privy Council, in pursuance of authority given to his Majesty in that behalf by an Act passed in the twenty-fourth year of his Majesty's reign, intituled, "An Act for the effectual transportation of felons and other offenders, and to authorize the removal of prisoners in certain cases, and for other purposes therein mentioned," his Majesty hath declared and appointed, by and with the advice aforesaid, that the eastern coast of New South Wales, and the islands thereto adjacent, should be the place or places beyond sea to which certain felons and other offenders should be conveyed and transported: And whereas several felons and other offenders have, in pursuance of the said Act, been conveyed and transported to the eastern coast of New South Wales, or the islands thereunto adjacent, there to remain during the terms or times for which they were so respectively sentenced to be transported by the Courts in which they were convicted: And whereas his Majesty, by and with the advice of his Privy Council, may hereafter declare and appoint the place or places aforesaid, or some other place or places beyond the sea, to be the place or places to which other felons and offenders shall hereafter be conveyed and transported: And such felons and offenders may be so transported accordingly: And whereas it would greatly advance the design of such sentences so carried into execution as aforesaid, or which may hereafter be passed and carried into execution, that the Governor, or (in case of his death or absence) the Lieutenant-Governor for the time being, of such the

24 Geo. III, c. 56.

place or places as aforesaid should have power and authority to remit or shorten the time or term for which felons and offenders as aforesaid have been or shall hereafter be transported, in cases where it shall appear that such felons or other offenders are proper objects of the Royal Mercy. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords, spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, at all times, by his or their Commission, under the Great Seal of Great Britain, to authorize and empower the Governor or the Lieutenant-Governor for the time being of such place or places as aforesaid, or of any of them, by an instrument in writing under the Seal of the Government in which the place or places as aforesaid are or shall be situated, to remit, either absolutely or conditionally, the whole or any part of the time or term for which any such felons or other offenders aforesaid shall have been or shall hereafter be respectively conveyed and transported to such place or places as aforesaid; and that such instrument or instruments shall have the like force and effect to all intents and purposes as if his Majesty, his heirs and successors, had in such cases respectively signified his or their Royal intention of mercy under his or their Sign-manual.

1790

His Majesty may authorize Governor or Lieutenant-Governor to remit sentences.

II. And be it further enacted: That such Governor or Lieutenant-Governor as aforesaid shall, by the first opportunity, transmit to one of his Majesty's Principal Secretaries of State, a duplicate, under the Seal of the Government, of each and every instrument as aforesaid, by which the time or term of transportation of any such felons or other offenders as aforesaid hath been remitted or shortened, and that the names of such felons and other offenders respectively which shall be contained in such duplicates as aforesaid shall be inserted in the next General Pardon which shall pass under the Great Seal of Great Britain, after the receipt of such duplicate or duplicates by one of his Majesty's Principal Secretaries of State.

Duplicates of instruments to be transmitted to Secretary of State.

APPENDIX E.

FORM OF ABSOLUTE PARDON.

WHEREAS his Most Excellent Majesty King George the Third, by a Commission under the Great Seal of Great Britain, by his Majesty's Royal Sign-manual, bearing date the eighth day of November, in the thirty-first year of his Majesty's reign, hath been graciously pleased to give and grant full power and authority to the Governor (or in case of his death or absence, the Lieutenant-Governor) for the time being of his Majesty's territory of the eastern coast of New South Wales and the islands thereunto adjacent, by an instrument or instruments in writing under the Seal of the Government of the said territory, or as he or they respectively shall think fit and convenient for his Majesty's service, to remit, either absolutely or conditionally, the whole or any part of the term or time for which such persons convicted of felony, misdemeanour, or other offences amenable to the laws of Great Britain shall have been or shall hereafter be respectively conveyed or transported to New South Wales, or the islands thereunto adjacent.

The Governor empowered to emancipate convicts.

By virtue of such power and authority so vested as aforesaid, I, _____, Captain-General and Governor-in-Chief in and over the territory of New South Wales and its dependencies, taking into consideration, _____

_____

_____

do hereby absolutely remit the remainder of the term or time which is yet to come and unexpired of the original sentence or

The form in blank.

order of transportation passed on the aforesaid _____ on the _____ day of _____, in the year of our Lord one thousand _____.

Given under my Hand and the Seal of the Territory, at Government House, Sydney, in New South Wales, this _____ day of _____, in the year of our Lord one thousand _____.

Registered in the Secretary's Office.

DESCRIPTION.

Name, _____

Native Place, _____

Trade or Calling, _____

Age, _____

Height, _____

Complexion, _____

Hair, _____

Eyes, _____

General Remarks, _____

APPENDIX F.

FORM OF CONDITIONAL PARDON.

WHEREAS his Most Excellent Majesty King George the Third, by a Commission under the Great Seal of Great Britain, by his Majesty's Royal Sign-manual, bearing date the eighth day of November, in the thirty-first year of his Majesty's reign, hath been graciously pleased to give and grant full power and authority to the Governor (or in the case of his death or absence, the Lieutenant-Governor) for the time being of his Majesty's territory of the eastern coast of New South Wales and the islands thereunto adjacent, by an instrument or instruments in writing under the Seal of the said territory, or as he or they respectively shall think fit and convenient for his Majesty's service, to remit, either absolutely or conditionally, the whole or any part of the term or time for which persons convicted of felony, misdemeanour, or other offences amenable to the laws of Great Britain, shall have been, or shall hereafter be, respectively conveyed or transported to New South Wales, or the islands thereunto adjacent.

The Governor empowered to emancipate convicts.

By virtue of such power and authority so vested as aforesaid, I,....., Captain-General and Governor-in-Chief in and over the territory of New South Wales and its dependencies, taking into consideration the good conduct of .....do hereby conditionally remit the remainder of the term or time which is yet to come and unexpired of the original sentence or order of transportation passed on the said.....

The form in blank.

Provided always, and on condition that the said..... .....continue to reside within the limits of this Government for and during the space of.....original

sentence or order of transportation: Otherwise, the said .....
.....shall be subject to all the pains and penalties of re-appearing in Great Britain or Ireland, for and during the term of.....original sentence or order of transportation; or, as if this remission had never been granted.

Given under my Hand and Official Seal, at Government House, ...in New South Wales, this..... day of.....in the year of our Lord, one thousand.....

Registered in the Secretary's Office.

DESCRIPTION.

Name, ...
Native Place, ...
Trade or Calling, ...
Age, ...
Height, ...
Complexion, ...
Hair, ...
Eyes, ...
General Remarks, ...

APPENDIX G.

FORM OF TICKET-OF-LEAVE.

Secretary's Office, Sydney.

The form in blank.

It is his Excellency the Governor's pleasure to dispense with the attendance at Government work of ....., tried at ....., convict for ....., arrived per ship ....., ... master, in the year ....., and to permit ..... to employ ..... self (off the Government stores) in any lawful occupation, within the district of ....., for ..... own advantage during good behaviour, or until his Excellency's further pleasure shall be made known.

By Command of his Excellency.

DESCRIPTION (at the back of above).

Name, ...
Native Place, ...
Trade or Calling, ...
Age, ...
Height, ...
Complexion, ...
Eyes, ...
Hair, ...
General Remarks, ...

INDEX.

Abbott, Lieutenant
at Norfolk Island, 298, 299, 305.
succeeded by Lieutenant Townson, 313.

Active, The
ill-treatment of convicts on, 176 and note.
improper conduct of captain of, 179.

Agriculture
at Rosehill, 16, 74.
the first harvest, 20.
field labourers, 20.
by officers, 20, 21, 255, 261, 289, 292.
a laborious process, 26.
at Sydney and Norfolk Island compared, 26, 159.
seed grain given up for food, 34.
a necessary preliminary to permanent settlement, 73.
obstacles to, 73.
at Parramatta, 73.
slow progress of, explained, 74, 163 and note, 210.
the first gardens, 74.
discouraging condition of, 75.
attention paid to cultivation, 136.
non-productive, 137.
convicts' aversion to, 139, 150.
suffering from drought, 141.
progress in 1791, 142; in 1794, 265, 268, 269 and note; in 1792, 231, 288, 333.
Phillip's instructions regarding, 155.
erroneous opinion respecting, 156.
"Experiment Farm," 157.
its locality, 157.
and history, 157, 158 and note.
bright prospects of, 159 and note, 165, 261, 288 289, 290.
effects of drought, 167.
area cultivated, 231, 232, 255.
Macarthur's efforts in, 252, 253, 254 and note.
at Liberty Plains, 259.
wheat in lieu of corn, 265 and note, 266.

Albemarle, The
attempted seizure of, by convicts, 173 and note.
mortality of convicts on, 175.
improper conduct of captain of, 179.

Alley, Surgeon
on the Lady Juliana and Royal Admiral, 55.

Alt, Augustus
Surveyor-General and J.P., 237.

America
transportation to, cessation of, 76.

Arndell, Surgeon
remarks of, on morals of colonists, 275.

Arthur, The
arrival of, with stores, 247.

Assignment System
inauguration of, 81, 114, 125, 126.

Atkins, Richard
Registrar Vice-Admiralty Court and J.P., 237 and note.

Atlantic, The
one of the Third Fleet, 172.
stores for Norfolk Island by, 180.
arrival from India with stores, 214, 220.
sails for England with Phillip, 230.

Bain, Rev. James
appointed chaplain of N.S.W. Corps, 92.
goes with King to New Zealand, 297 (note).

Balmain, Assistant-Surgeon
goes to Norfolk Island, 180.

Bannister
soldier at Norfolk Island, 304, 305.
perjury committed by, 315.

Barrington, The Admiral
improper conduct of captain of, 179.

Beckwith, Lieutenant
with King at Norfolk Island, 306.
takes Norfolk Island mutineers to Sydney, 307, 308.
suppresses material information at inquiry, 310, 315.

Bellona, The
arrival of, with stores, 244, 245.
free settlers by, 256.

Bennilong
character and manners of, 32.
his capture, 32.
and escape, 33.
he returns voluntarily, 33.
his attachment to Phillip, 33.
resides at Bennilong Point (Fort Macquarie), 198 and note.

Boats
want of, 187.

Boddingtons, The
voyage of, 67.
contract with owners, 69.
arrival of, with convicts, 246.

Bowen, George
successfully resists attempted seizure of the Albemarle, 173.

Bowen, Richard
discovers Jervis Bay, 172 (note).

Bradley, Lieutenant
sent to Batavia for supplies of food, 33.

Britannia, The
health of convicts by, 175.
hired by Grose, 217 and note, 218 and note, 222, 246 and note.
arrival of, with stores, 220, 221 and note, 250 and note.
takes King to New Zealand, 295.

Broady, or Brody, Walter
appointed master-blacksmith, 257.

Building
progress of, 144 and note, 232 and note, 256 and note.
unburnt bricks, 145.
want of lime limits height of walls, 145.
at Parramatta, 232, 233 and note.
of a church, 278 and notes, 279, 286.

Burke, Edmund
speech of, on transportatiou, 76 (note).

Burton, Superintendent
report on land at Parramatta, 166, 259.

Campbell, Captain
a partisan of Ross, 9.

Caravances
an article of food, 152 (note).

Cardell
soldier at Norfolk Island, 305.

Chalmers, Captain
of the Boddingtons, 246.

Chaplain, Assistant
Rev. John Crowther, 47.
difficulty in obtaining, 49.
Rev. S. Marsden, 282.

Charlotte, The
deserters from Supply and Sirius on board, 146.

Church
land reserved for, 132, 282, 283.
want of, 276, 277.
erection of, 278 and notes, 286.

Collins
Ross's complaints concerning, 1, 2.
circumstances of the case, 2, 3.
differs from Phillip on agricultural progress, 160.
his opinion of settlers, 160, 275.
on condition of convicts by the Third Fleet, 175, 177 and note.
on food supply, 248.
on agriculture, 265.
portrait of, 265.

Concord
settlement on Parramatta River, 258 and note.

Convicts
rations supplied to, 17.
improvidence of, 18, 19.
destruction of live stock by, 19.
overseers of, 19, 73.
a burden to the Government, 20, 264.
employed in agriculture, 20, 21.
allowed to officers, 21, 22, 81, 114, 125, 126, 261, 282.
sent to Norfolk Island, 24, 25, 152.
gardens of, 26.
weakened by famine, 27.
driven to crime by hunger, 28, 210.
mortality amongst, 32, 37 (note), 57, 62, 66, 151, 154, 174–177, 219, 220, 224.
perishing of hunger, 37 (note), 219.
on board the Guardian, 44, 87.
female, on Kitty and Lady Juliana, 56.
by the Second Fleet, 57, 77.
deaths from overcrowding, 57, 62.
inhuman treatment of, 58, 59, 60, 67, 178.
hospitals crowded with, 63.
captain of transport prosecuted for ill-treatment of, 60, 65.
attacked by scurvy, 66.
health of, 67, 136, 167, 177 and note, 178.
on the Boddingtons, 67.
transportation of, the system improved, 67, 68, 69.
on the Queen, ill-treatment of, 69, 176 and note, 178, 179, 219.
necessity for restricting transportation of, 72, 76.

Convicts
unfitted for agricultural labour, 73, 75.
artificers required, 73.
and farmers, 74.
English gaols crowded with, 76.
Howard's account of English gaols, 77 (note).
the assignment system, 81, 114, 125, 126.
recruits for the Army drawn from, 99, 100.
proposal to enlist in Indian army, 99.
Hunter opposes the scheme, 99.
enlisted in N.S.W. Corps, 100, 101.
useless without settlers, 115.
employment of, 136.
inutility of, 136.
return of number employed, 137.
repugnance to work, 139, 150 and note.
daily task as farm labourers, 142.
ill-fed, 143, 144.
absconding, 145 and note, 146 and note, 147–151.
stowaways, 146.
preventive measures, 146.
their success, 147.
escape from Rose Hill, 147, 148.
refuge with the natives, 148 and note.
geographical ignorance of, 149, 150.
a successful attempt at escape, 149 and note.
escapees new arrivals, 150.
risks and penalties, 151.
absconding diminishing, 151.
Ruse, James, first land grantee, 155.
additional grant, 158 and note.
expirees as settlers, 160, 161, 162, 163.
by the Third Fleet, 172, 173.
attempt to seize the Albemarle, 173 and note.
Third Fleet arrived with, 174.
mortality on voyage, 174, 175.
old and infirm, 175 and note.
an incumbrance, 175, 176 and note.
deaths after landing, 176.
continued ill-health of, 177.
excessive mortality of, 177.
accommodation for, 184, 185 and note.
illegally emancipated, 192 and note, 193 and note.
expirees reluctant to stay, 194.
practically life exiles, 195.
detention illegal, 195.
no assistance to return, 195.
life in colony unsatisfactory, 196.
expirees work their passages to England, 196.
outrage on natives by, 200.
reprisals on, 201.
speared by natives, 202.
rations of, purchased by Lieutenant Dawes, 204.
ills resulting from, 204 and note.
sick convicts a burden, 209.
clothing for, 209 and note.
labour of, 209 and notes.
thefts by, 210.
punishment of, 210, 211 and note.
Convicts
offenders new arrivals, 211 and note, 212.
early release motive for good behaviour, 211.
forbidden to congregate, 212.
arrivals by the Pitt, 212 and note.
arrivals by the Royal Admiral, 223, 224.
employed in building, 232, 233 and notes.
rations issued to, 241, 242.
arrived by the Boddingtons, 246 and note.
attempt to seize the Sugar-cane, 246, 247.
rations of, exchanged for spirits, 271, 272.
spirits paid to, instead of wages, 273.
absent from public worship, 277, 286, 287.
allowed to Rev. R. Johnson, 282.
expirees as Norfolk Island settlers, 293.
conflict with soldiers at Norfolk Island, 303, 304.
and the drama, 304.
Grose's General Order respecting, 311.

Corn, Indian
the harvest at Rose Hill, 20.
mills to grind, 181 and note.
ready for reaping, 244, 245.
sown at Petersham, 258.
failure of crop of, 265.
yield per acre, 267.

Coulston
drummer at Norfolk Island, 305, 310.

Court-martial
on Private Hunt, 10, 11.
arrest of members of, 11.
on Meredith, 14.
at Norfolk Island, 298, 299.

Crime
committed to procure the necessaries of life, 210.

Crops
affected by drought, 141 and note, 145.
Ruse's, first grantee, 156.
harvest in 1791, 164 and note, 245 and note.
maize, wheat, and barley, 165 and note.
abundant, 231, 234.
failure of, 257, 265.

Crowder
constable at Norfolk Island (see Whittle), 304

Crown Reserves
areas of, 132 and note, 133, 201.

Crowther, Rev.
on board the Guardian, 47.

Currency
dollars and notes, 226, 227 and note.
spirits as medium of exchange, 204, 273.

Dædalus, The
to ship live stock at Calcutta, 169.
disastrous voyage of, 170.

Davey, Lieutenant
placed under arrest by Ross, 10 (note).
return of, to England, 230.

Dawes, Lieutenant Wm.
retained as engineer, 203.
quarrel with Phillip, 203.
grounds of, 203.
purchasing convicts' rations, 204.
evil consequences of, 204 and note.
explanation of the business, 204, 205.
Phillip's comments on, 205.
refusal of, to proceed against natives, 206.
religious scruples, 206.
he eventually consents, 206 and note.
insubordination of, 206.
unofficerlike behaviour of, 207.
leaves for England, 208.

Deaths
of convicts, 32, 37 (note), 57, 62, 66, 151, 154, 174–177, 219, 220, 224.
of soldiers and seamen on the Pitt, 106.

Despatches
from England, 71 *et seq.*
from Phillip, 1791, 144.

Dholl
an article of food, 220.

Dodd, H. E.
sole overseer, 19 (note).

Dollis
convict at Norfolk Island, 310.

Dring
expiree at Norfolk Island (see Windsor), 303 and note.

Drought
duration of, 141 and notes, 167.
severity of, 163 and note.

Dundas, Henry
portrait of, 209.
succeeds Lord Grenville, 71 (note).

East India Co.
privileges of, 217.

Edgar, Lieutenant
naval agent on the Lady Juliana, 54.

Emancipation
legal significance of, 189, 191.
power to, an incommunicable prerogative, 189.
different from pardon, 190.
Phillip's instructions concerning, 190.
an enabling Act passed by British Parliament, 191.
the case of Bullock *v.* Dodds, 191.
cases of illegal, 192.
conditional, on residence within the colony, 193.

Emancipists
land grants to, 112, 118.
prerogative of pardon respecting, 189, 190.
status of, 191 and notes, 192, 194 and note.
expiree classed as an, 193.
conditions imposed on, 193.

Expirees
land grants to, 118.
detention in colony illegal, 195.
no assistance to return, 195.
dissatisfied with Colonial prospects, 196.
ship as sailors, 196.

Famine
the summer of 1789–90, 16–37.
reduced rations, 17, 28, 143, 152, 185, 218, 246.
convicts' recklessness, 19.
condition of the food supplies, February, 1790, 24, 25.
effects of, on labouring convicts, 27, 37 (note).
attempts to obtain fish and game, 29, 219.
convicts and soldiers ill-clothed and starving, 31.
scarcity of food in the year 1792, 218 *et seq.*

Farming
convicts with knowledge of, required, 73, 74.
"Experiment Farm," 157.
Captain Macarthur's, 165 and note.
want of implements, 209, 226, 245.
at Parramatta, 231.
by military officers, 20, 21, 255, 261, 289, 292.
See also "Agriculture."

Field of Mars
land for settlers at, 231 and note.

First Fleet
vessels of, return to England, 71.
convicts of, safely landed, 72.

Fish
the ration supplemented by, 30 and note, 219.

Flax
New Zealand natives and, 294, 295.

Floods
on the Hawkesbury, 260 and note.

Food Supplies
the famine of 1789-90, 16 *et seq.*
and of 1792, 218 *et seq.*
at Sydney and Norfolk Island, 25.
vegetables at Rose Hill, 28.
ration reduced, 17, 28.
attempts to obtain fish and game, 29, 219.
a vessel sent to Batavia for, 33.
convicts perishing from hunger, 37 (note), 219.
Grose's remarks on, 240.
Grose's alterations in, 241.
fresh pork issued, 250 and note.

Foveaux, Lieutenant
services of, 98.
magisterial powers delegated to, 238.

Francis, The
first vessel launched, 187 and notes, 188.
takes Norfolk Island mutineers to Sydney, 307, 308.

Gaols
overcrowded in England, 76.
Howard's account of, 77 (note).

Gorgon, The
live stock by, 168, 182 and note.
as store and convict ship, 173 and note.
live stock landed from, 183.
leaves for England, 208.

Grants
See "Land."

Grenville, Lord
censures of, on Ross and Campbell, 9.
portrait of, 71.
depatches from, to Phillip, 71 *et seq.*
succeeds Lord Sydney, 71 (note).
ignores Phillip's recommendations, 72, 73, 76, 78, 116.
urges economy upon Phillip, 85.
his apathy towards the colony, 116.
ignorance on the land question, 135.

Grimes, Deputy Surveyor-General
with King at Norfolk Island, 306.

Grose, Major
instructed to raise N.S.W. Corps, 89, 91.
remuneration for recruiting, 90, 92, 93.
appointed Lieutenant-Governor, 93, 96.
satisfied with the character of Corps, 94, 98.
his status in the Army, 95.
services of, 96.
at Bunker's Hill, 96.
recruits the Corps from convicts, 100.
sails from England, 105.
voyage out in the Pitt, 106.
raises two new companies, 108.
issues land grants to officers, 125, 253 *et seq.*, 291.
hires the Shah Hormuzear to bring stock from India, 170.
launches the Francis, 187, 188.
arrival in the Pitt, 212.
impressions of colony, 216.
they change quickly, 216.
Britannia hired by, 217 and note, 218 and note, 246 and note.
assumes command, 236 and note.
establishes a military form of Government, 236, 301.
innovations introduced by, 237, 238, 239.

Grose, Major
deviates from Commission, 239, 240.
and the food supply, 240, 241, 245, 247.
policy of, in regard to rations, 241, 242.
neglect of convicts, 242, 243.
progress of colony under, 251, 256, 261, 268, 288 *et seq.*
land grants issued by, 252, 253.
impartiality in issuing, 253, 261.
his plan of settlement, 257.
meagre despatches of, 258, 265.
convict labour allowed by, 261, 262 *et seq.*, 282.
and the spirit traffic, 270, 271, 273, 274.
treatment of Rev. R. Johnson by, 276, 280 *et seq.*
opposes his claim, 278, 279.
and Phillip, their policies compared, 291, 292.
his unjust treatment of King, 293, 297, 300, 312.
motives for, 301.
Court of Inquiry convened by, 308, 315.
which condemns King's conduct, 309.
concurs with finding of the Court, 309.
King to disband the militia, 309, 313.
General Order *re* Norfolk Island, 311.
solicitude for soldiers at Norfolk Island, 311.
repents severity towards King, 314.
leaves the colony, 314.
militarism of, condemned by Home Government, 317.
orders of, cancelled by King, 317, 318.

Guardian, The
wreck of, 38-51, 322-332.
taken to Table Bay, 38, 40, 41.
dismantled and abandoned, 39, 43, 44.
cargo of, 39, 41 and note, 46.
sailing qualities of, 39 and note.
sinking at her anchor, 42.
the boatswain's account of the wreck of, 42.
conduct of the convicts on board of, 44.
they receive a conditional pardon, 44.
effect of wreck of, in retarding colony, 86.
live stock lost in, 167.

Halcyon, The
arrival of, with stores, 251.

Harvest
at Rose Hill in 1789, 20.
of 1790, 141.
Ruse's, 156.
of 1791, 164.
of 1792, 231, 333.
of 1793, 245.
of 1794, 266 and note.

Hawkesbury, The
settlement at, 234, 258, 259, 260 and note.
floods of, 260.
progress of, 265.
prosperity of settlers at, 289.

Hill, Captain
his account of ill-treatment of convicts, 58 (note), 59.
services of, 97.
death of, 97 (note).
account of bad and scanty provisions, 143.

Hope, The
arrival of, with provisions, 244, 251.
spirits purchased from, 271.

House, William
commander of the Francis, 188.

Howard, John
efforts of, as prison reformer, 76 (note).

Howe, Lord
instructions of, to Phillip, 5.

Hunt, Joseph
court-martialled, 10.

Hunter
Macarthur's charges against, 275.
his vindication, 275.
commenting on Grose's policy, 290 and note, 291.

Ikins, Sergeant
perjury committed by, 315.

India
convict recruits for, 99.
provisions from, 171, 213, 214, 220.
live stock from, 170.

Indispensable, The
arrival of, with stores, 250.

Instructions
ambiguity of, 134.
omission in, 190, 191.

Jervis Bay
discovery of, 172 (note).

Johnson, Rev. R.
Newton's letters to, 47, 48.
difficulty in obtaining an assistant to, 49.
labouring under disadvantages, 50, 276, 277.
his account of ill-treatment of convicts, 59.
appointment of, 92.
best farmer in country, 142.
goes to Norfolk Island, 180.
a Justice of the Peace, 237.
remarks on morals of colonists, 275.
portrait of, 276.
bad treatment of, by Grose, 276, 280 *et seq.*
church built by, 278 and notes.
asks reimbursement of expenses, 278, 279, 283 and note.
protests against non-observance of religion, 279, 286.
complains of soldiers' behaviour at public worship, 280.
Wilberforce's opinion of, 285.

Johnston, Captain George
commands auxiliary company of N.S.W Corps, 107.
promotion of, 107.
portrait of, 230.
major commanding N.S.W. Corps, 109.
remains in colony, 230.

Justinian, The
one of the Second Fleet, 52.
arrival of, 55.
takes stores to Norfolk Island, 152.

Kellow, Lieutenant
placed under arrest by Ross, 10 (note).

Kent, Surgeon.
in charge of convicts on voyage out, 67.

King, P. G.
Ross succeeds him at Norfolk Island, 25.
deviates from instructions, 133 and note, 168 and note, 173, 180 *et seq.*
on conduct of captains of Third Fleet, 179.
plants, &c., obtained by, 181.
live stock purchased by, 181 and note, 182 and note.
justifying action in, 182, 183.
interest in expirees, 195.
on Rev. R. Johnson's treatment by Grose, 285 and note.
portrait of, 293.
returns to Norfolk Island as Lieutenant-Governor, 293.
treatment of, by Grose, 293, 312.
Phillip's favourable opinion of, 293.
naval promotion of, 293.
goes to New Zealand, 294 *et seq.*
appoints Nepean Commandant *pro tem.*, 294, 298.
mutiny suppressed by, 293, 300, 302 *et seq.*
kind treatment of New Zealand natives by, 295, 301.
Lieutenant Abbott's difference with, 299.
consults with officers *re* mutiny, 306.
seizes mutineers' firearms, 306.
and arrests ringleaders, 307.
his impartiality, 307.
restores order, 307.
establishes a militia, 307.
sends mutineers to Sydney in the Francis, 308.
conduct of, condemned by Court of Inquiry, 309, 315.
ordered by Grose to disband the militia, 309, 313.
and relieved of military command, 309.
action of, *re* mutiny, approved by Home Government, 310, 316.
justifies his conduct, 310, 312, 313.
Grose exonerates him, 314.
cancels Grose's orders, 317, 318.
generous nature of, 318.

Kitty, The
lengthy voyage of, 56.
female convicts on board of, 56.
stores shipped on, 223.
flour on board of, damaged, 225.
consignment of dollars on, 226.
tools and utensils on, 226 and notes.

Labour
convicts weakened by hunger, 27.
hours of, shortened, 28.
convict servants allowed to officers, 21, 22, 81, 114, 126, 261 *et seq.*, 282.
and settlers, 81, 113, 114, 118, 125, 126, 261.
the assignment system, 81, 114, 125, 126.

Lady Juliana, The
one of the Second Fleet, 52.
convicts on board of, 52, 56, 77.
a cargo of women, 52, 56, 77.
lengthy passage of, 54, 55 and note, 56.

Land
cultivation in 1789, 20, 73.
grants to officers, 21, 113 *et seq.*, 119, 120, 121, 122, 123, 125, 127, 252 *et seq.*, 255 (note), 291.
alienation of, 112.
grants to emancipists, 112, 118.
Phillip's policy in regard to settlers on, 112.
his instructions concerning land grants, 112 *et seq.*, 252, 253.
improper use made of grants by settlers, 124.
leases granted by Phillip, 124.
military settlers selling grants and live stock to officers, 125.
grants conditional on *bonâ-fide* settlement, 125 (note).
fees chargeable upon grants of, 128.
maximum area of grants, 128.
proposal to send families as settlers, 129 (note).
proposals for taking up, 129.
Quaker settlers, 129.
conditions, 129.
not carried out, 130.
impartial division of, 132.
area reserved to the Crown, 132 and note, 133, 201.
laying out of towns, 132.
reserved for church and school, 132, 282, 283.
isolated grants of, 132.
instructions for Norfolk Island impracticable, 133.
held by convicts on sufferance, 140.
earliest land grant, 155.
date of issue, 157.
history of, 157, 158 and note.
forfeited grants, 162 and note.
opinion of expert concerning, 166 and note.
cleared during Grose's administration, 256 and note.
See also "Agriculture."

Liberty Plains
origin of the name, 257.
free settlers located at, 257 and note.
not successful as farmers, 259.

Live Stock
destroyed by convicts, 19, 26.
carried by the Guardian, 39, 47.
sold by settlers, 124, 125.
deficiency in, 167, 168, 209, 232.
definite plan for procuring, 168, 169.
from India, 170.
inferior breed, 170.
mortality on voyage, 171.
sheep small but prolific, 171.
purchased by King, 181 and note, 182 and note.
sheep for breeding, 232 and note.
increase of, 256.

Macarthur, John
portrait of, 98.
lieutenant in N.S.W. Corps, 98.
voyage of, in Neptune, 103.
fights a duel in England, 103 (note).
his dispute with Nepean, 104.
Mrs., on the harvest, 142.
his farm, 165 and note.
land granted to, 253, 254 and note.
appointed inspector of works, 253.
success as a farmer, 259, 267, 289.
remarks on morals of colonists, 274.
on progress of the colony, 289, 290.

Magistrates
Grose's attitude towards, 237 *et seq.*, 312.

Manly
Phillip speared by natives at, 235.

Marines
replaced by N.S.W. Corps, 10.
officers of, anxious to return to England, 121, 122.
return from Norfolk Island, 180.
recall of, 203.
leave for England, 208.
obstructive tactics of, 233.
as Norfolk Island settlers, 293.
as a militia, 305.

Marsden, Rev. S.
assistant chaplain, arrival of, 50.
remarks on morals of colonists, 275, 287.
appointed Johnson's assistant, 282.
portrait of, 282.

Mary Ann, The
female convicts by, 174.

Meredith, Captain
his dispute with Ross, 10, 13, 14.
exonerated by Court-martial, 14, 15.

Military
Major Ross, 1-16.
dissensions amongst the officers, 10-15.
officers as farmers, 20, 21, 255, 256, 289, 291, 292.
barefooted guards, 31.
officers' opinions on the colony, 35.
soldiers ill with scurvy, 66.
recruiting in olden times, 91.
73rd Regiment relieve N.S.W. Corps, 109.
73rd Regiment, strength of, 110.
land grants to officers and men, 113 *et seq.*, 254.
undesirable, as settlers, 159.
to act against natives, 206.
demeanour of, towards Phillip, 208.
administration of justice placed in the hands of, 236 and note, 238.
ration issued to, 242.
spirits bought by, 271.
non-observance of religion by, 280.
mutiny of, at Norfolk Island, 294, 300, 302.
King's account of, 300 *et seq.*
conflict with Norfolk Island convicts, 303, 304.
disarming of mutineers at Norfolk Island, 306, 307, 310.
Grose's extreme solicitude for, 311.
See also "N. S.W. Corps" and "Officers."

Mills, Corn
for grinding corn, 181 and note.
inefficiency of, 248, 249 and note, 250.

Mutiny
attempted seizure of the Albemarle, 173 and note.
and the Sugar-cane, 247.
at Norfolk Island, 293, 300, 302-316.

Natives
Bennilong, 32, 33, 198 and note.
danger from attacks of, 133.
various dialects, 149.
Phillip's treatment of, 197.
hostile disposition of, 197.
their code of honour, 197.
Phillip speared by, 197, 235.
amicable relations established with, 198 and note.
thievish propensities of, 199.
hostilities resumed, 199.
severe measures unavoidable, 199 and note.
revengeful character of, 200.
origin of hostilities, 201.
convicts the aggressors, 201.
ill effect of quarrels, 201.
convict speared, 202.
soldiers sent against, 206.
go with Phillip to England, 230 and note.
of New Zealand at Norfolk Island, 294, 297 and note, 300, 301.

Naval Agents
powers of, 67.

Nepean, Captain Nicholas
senior captain in N.S.W. Corps, 96.
services of, 96, 97.
returns to England on sick leave, 97.
and Macarthur, 104.
appointed Commandant at Norfolk Island *pro tem.*, 293, 294, 298, 299.

Neptune, The
one of the Second Fleet, 52.
master of, prosecuted, 60, 65.
convicts secreted on, 146.
arrival of Wentworth by, 153.
wrecked with cattle from Bombay, 170.
sick and dying convicts on, 183.
mortality on, 224.

Newgate Gaol
overcrowded with felons, 76.

New South Wales
population of, 25.
unfavourable reports concerning, 35.
object of Government in settling, 75.
Phillip's views concerning, 75.
dependent on supplies from England, 75, 78, 86.
attitude of English politicians towards, 76, 116, 117.

New South Wales Corps
raised in England, 89.
strength of, 89, 92, 93, 94, 107, 108, 109.
its status in the Army, 89, 90.
arrangements for recruiting, 90, 91, 93.
originally composed of four companies, 91.
recruiting in olden times, 91.
nominating officers of, 92.
augmentation of, 92, 93, 94, 107, 108, 109.
auxiliary company formed from marines, 94, 107.
reputation of, 94.
equal to the average British regiment, 94.
recruits from the Savoy prison, 94, 95.
officers of, their status and services, 95-98.
recruiting from convicts by Grose, 100.
conveyed to colony as guards on transports, 102, 105, 106, 108.
deaths of soldiers on the Pitt, 106, 107.
two new companies raised, 108, 109.
concerned in arrest of Bligh, 109.
and recalled in consequence, 109.
relieved by the 73rd Regiment, 109.
name changed to 102nd Regiment, 109 and note.
history of, after its recall, 110, 111.
bounty money to marines, enlisting in, 114.
land grants to officers of, 21, 113, 119 *et seq.*, 125, 127, 253 *et seq.*, 255 and note, 291.
detachment of, for Norfolk Island, 180.
detachment arrives by the Pitt, 212.
treatment of, 216.
officers of, as magistrates, 237.
mutiny of detachment of, at Norfolk Island, 293, 300, 302-316.
See also "Military."

Newton, Rev. John
letters of, 47.
Rev. R. Johnson's friend, 284.

New Zealand
natives of, at Norfolk Island, 294, 297 and note, 300, 301, 316.
King's desire to annex, 296 and notes.

Norfolk Island
convicts sent from Sydney to, 24, 25.
food supplies at, 25.
population of, 25.
agriculture at, 26.
preferred to Port Jackson by Grenville, 72.
Phillip's opinion of, 83, 84.
unsuited for principal settlement, 83, 84.
land grant instructions unworkable, 133.
receives surplus population, 152.
reduced ration at, 152 and note.
officials for, 153.
Wentworth, assistant surgeon at, 153.
preferred by settlers to Rose Hill, 159.
number of settlers at, 160.
stores for, 180 and note.
settlement at, 234.
King, Lieutenant-Governor of, 293.
succeeded by Ross, 293.
marine settlers at, 293.
Nepean, Commandant *pro tem.*, 294.
in place of Lieutenant Abbott, 298.
mutiny at, 302–316.
conflict between soldiers and convicts at, 303, 304 and notes.
the drama at, 304.
settlers at, enrolled as a militia, 305, 307.
mutineers' firearms seized, 306.
and ringleaders arrested, 307.
order restored, 307.
militia at, to be disbanded, 309.
Grose's General Order respecting, 311.
military rule established at, 313.
restoration of civil power at, 317.

Officers
placed under arrest by Ross, 10, 11, 12.
farming by, 20, 21, 255, 256, 261, 289, 291, 292.
land grants to, 21, 113, 119 *et seq.*, 125, 127, 253 *et seq.*, 255 and note, 291.
convict labour allowed to, 21, 22, 81, 114, 126, 261 *et seq.*, 282.
their damaging accounts of the colony, 35.
property of, lost in wreck of Guardian, 47.
of N.S.W. Corps, nominated by Grose, 92.
embark for the colony, 102, 103.
recalled, 109.
anxious to return to England, 121, 122.
as magistrates, 237.
enterprise of, 251.
areas of land grants to, 253.
spirits purchased by, 271, 272.
demoralisation caused by, 272.

Officers
pay wages in spirits, 273 and note.
absent from public worship, 277.
praise of, from Grose, 289, 292.
granted the choicest land, 291.

Officials
for Norfolk Island, 153.
as magistrates, 237.
praise of, from Grose, 289.

Overseers
Phillip unable to obtain, 19.
deficiency of, 166.

Pardon
See "Emancipation."

Parramatta
preferred to Sydney as site for settlement, 5.
the soil at, 73.
importance of, 85.
foundation of, 137.
design of, 137 and note.
buildings at, 137, 232, 233 and notes.
destiny of, 138.
incorporated with Rose Hill, 138.
definite naming of, 138 and note.
a contrast, 139 and note.
Phillip's intentions regarding, 140.
plan showing first farms at, 162.
progress of agriculture at, 163, 164 and note.
increase in number of settlers at, 165.
land for settlers at, 231.
settlers at, prospering, 231, 289.
magistrates at, 238.
Macarthur's farm at, 253, 254 and note, 259.
site of settlement on river, 258 and note.
foundation of church laid at, 277.
See also "Rose Hill."

Paterson, Captain William
services of, 97, 98.
an African traveller, 97 and note.
accompanies King to Norfolk Island, 180.

Petersham
convicts employed at, 257.
cultivation at, 258.

Philadelphia, The
stores purchased from, 223 and note.

Phillip
his relations with Ross, 1–15.
self-control of, 1, 7.
Ross states his grievances to, 2, 5.
Phillip replies, 3.
and informs Nepean of the facts, 4, 7, 8.
labours of, as an explorer, 4.
discretionary power of, in determining site of the settlement, 5, 82, 83.
attempts of, to pacify Ross, 6, 7.

Phillip
his conduct approved by Government, 9, 10, 70, 72.
his cheerfulness under difficulties, 16, 19, 33.
the famine of 1789–90, 16-37.
sends the Sirius to the Cape for food, 17.
reduces the ration, 17.
to guard against accidents, 18.
an instance of his humanity, 18 (note).
unable to procure overseers, 19, 73.
his private servant, 19 (note).
report of, on the harvest of 1789, 20.
gives up his private stock of flour, 20.
policy of, in regard to convict labour, 21, 82.
erects a signal-station at South Head, 23.
sends a number of convicts to Norfolk Island, 24, 25.
efforts of, to preserve live stock, 26.
relations with the native Bennilong, 32, 33.
sends the Supply to Batavia for food, 33.
orders the seed grain to be served as food, 34.
warns the authorities against unfavourable reports, 34.
the Second Fleet, 52–70.
his requests ignored by the Government, 53, 72, 73, 76, 115, 116.
complains of ill-treatment of convicts on the voyage out, 58.
holds an inquiry into the case of the Queen, transport, 69.
unable to punish the owners, 69.
despatches from England, 71–88.
his despatches to England, 71.
his first letter from the Government, 71.
results achieved by, 72.
obstacles surmounted by, 72, 73, 80.
advocates temporary cessation of transportation, 73.
anxious for arrival of free settlers, 74, 75, 115 *et seq.*
his views concerning the future of the colony, 75.
instructed to make the colony self-supporting, 77.
asks for regular supplies of provisions, 78.
embarrassed by action of Home Office, 72, 78.
he explains the slow progress of colony, 80.
compares Sydney and Norfolk Island, 83.
urged by Grenville to economise, 85.
he replies, 86.
disposal of Crown lands, 112–135.
his policy in regard to alienation of land, 112.
his instructions concerning land grants, 112 *et seq.*
unable to grant land to officers, 121.
deviates from instructions, 133.
exertions in clearing land, 136.
solicitude for convicts, 139.
his foresight, 141.
his optimism, 142.
building difficulties surmounted by, 145.
his ubiquity, 145.

Phillip
efforts of, to prevent convicts absconding, 145, 146.
masters of transports assist absconders, 146 and note.
success of his efforts, 147.
warns convicts of results of attempts to escape, 151 and note.
his clemency, 151.
beneficial effect, 151.
settlers on the soil, 155–171.
instructions regarding agriculture, 155.
doubts respecting success of, 156.
issues first land grant, 157.
its locality, 157.
its history, 157, 158 and note.
opinion of settlers, 158, 159.
differs from Collins on progress made, 160.
settlers with means wanted, 160.
opinion of productiveness of the soil, 166 and note.
bars to progress, 167.
plan for obtaining live stock, 168.
the Third Fleet, 172–188.
on health of convicts, 175.
contraband goods, no power to seize, 179.
Home Government would have exonerated, 18 and note.
its faith in, 183.
his adaptability, 185, 233.
advocacy for naval protection, 186.
emancipation, 189–196.
power conferred by Commission, 189, 190, 191.
illegal emacipations by, 192 and note, 193.
asks for instructions concerning expirees, 195.
Grenville's reply, 195.
and the natives, 197–202.
humane treatment of natives by, 197.
speared by one at Manly, 197.
conflicts between natives and convicts, 200, 2 1
the convicts the aggressors, 201.
reprisals by the natives, 201.
efforts to secure harmony, 201, 202 and note.
quarrel with Lieutenant Dawes, 203, 208.
charges against Dawes, 203.
buying convicts' rations, 204.
ill effect of, 204 and note.
Dawes's refutation, 204, 205.
remarks thereon, 205.
proposal to chastise the natives, 206.
Dawes's religious scruples, 206.
he eventually consents, 206 and note.
charges Dawes with insubordination, 206.
and unofficerlike behaviour, 207.
instance of treatment of difficulties, 208.
strained relations with military, 208.
state of the settlement in 1792, 209–228.
difficulties of the period, 209.
convicts too feeble to work, 209.
starvation and crime, 210.
scarcity of provisions, 214.

Phillip
population, March, 1792, 214.
private trading by masters of transports, 215.
disapproves of private hire of storeship, 217, 218 and note.
mortality in March, 1792, 219.
his last despatch, 223.
resignation of, 229–235.
wishes to return, 229.
failing health, 229, 235.
sails for England, 229, 230.
takes natives with him, 230 and note.
his meritorious services, 230, 233, 234.
state of the colony at his departure, 230, 231.
agricultural progress, 231.
live stock in colony, 232.
public building erected, 232, 233.
gives sheep to settlers, 232 and note.
energy of, 233.
promotion of, 235 and note.
and death, 235.
his administration of justice, 237.
impartial ration, distribution by, 241.
no power to grant land to officers, 252, 253.
and the spirit traffic, 270, 271.
efforts of, to aid religion, 276, 277.
policy of, and Grose's compared, 291.
recommendation of King, 293.
and relations between civil and military, 311, 312.

Phillip Island
adjacent to Norfolk Island, 306.

Piper, Ensign
with King at Norfolk Island, 306.

Pitt, The
voyage of, 106.
deaths of soldiers and seamen on board of, 106.
arrival of, 212.
provisions by, 212 and note, 213.
cargo of, 215 and note.

Population
of Sydney and Norfolk Island, 25.
increase of, 151, 152.
mortality in 1790, 154.
health of, 177.
census, 19th March, 1792, 214 and note.
in Phillip's time, 234 and note.
depravity of, 275.

Portland, Duke of
succeeds Dundas, 315.
portrait of, 315.

Poulden, Lieutenant
placed under arrest by Ross, 10.
returns to England, 230.

Prospect Hill
plan showing first farms at, 162.
land for settlers at, 231.

Providence, H.M.S.
arrival of, 187.

Provisions
scarcity during 1789–90, 16–37.
supplies from Batavia, 33, 250 and note.
stock of, April, 1790, 33.
cargo of the Guardian, 39, 41 and note, 46.
for two years necessary, 74.
the colony dependent upon supplies from England, 77, 78.
scarcity of fresh, 140.
uncertainty of arrival from England, 143, 184, 209, 244.
inferior quality, 143, 222.
birds at Norfolk Island, 153 and note.
stores for Norfolk Island, 180 and note.
irregular and inadequate supplies of, 184, 214, 215.
on board the Pitt, 212 and note, 213.
proposal to obtain, from India, 213.
received from India, 214.
received by the Atlantic and Britannia, 220 and notes.
necessity for suitable, 227, 228.
Grose's remarks on, 240.
as distributed by Grose and Phillip, 241.
arrived from England, 244.
providential arrival of, 245 *et seq.*
no flour, 248, 249 and note.
abundant, 251.
from America, 251.
See also "Rations."

Quaker Settlers
proposals and conditions of, 129, 130.
plan abandoned, 130.

Queen, The
ill-treatment of convicts on board of, 69, 176 and note, 178, 179.
takes detachment of Corps to Norfolk Island, 180.
mortality of convicts from, 219.

Queenborough
out-settlement on Norfolk Island, 306.

Rations
reduction of, 17, 185 and note, 218.
issued semi-weekly, 18.
further reduction of, 28, 143.
convicts perishing from hunger, 32, 37 (note), 219.
full ration restored, 55 and note, 185 and note, 225.
inferior quality of, 143, 222.
reduction of, at Norfolk Island, 152.
purchased by Lieutenant Dawes from convicts, 203, 204 and note.
starvation allowance, 218 *et seq.*
supplemented by game and fish, 29, 219.
rice issued in lieu of flour, 225.
importance of suitable, 227, 228.
as distributed by Grose and Phillip 241.

Rations
distinctions between convicts and soldiers, 241, 242.
unground wheat as, 249 and note.
flour supply exhausted, 249 and note.
fresh pork issued as, 250 and note.
exchanged for spirits, 271, 272 and note.

Raven, William
commander of the Britannia, 246 and note, 296.

Reliance, H.M.S.
arrival of, 187.

Religion
Phillip's efforts to aid, 276, 277.
Grose's obstructive tactics, 276, 280.
neglect of public worship, 276, 277, 279, 286, 287.
services held in boathouse, 277.
erection of churches, 278, 286.
contempt for, by soldiers, 280.

Richard, William
contract with, for transporting convicts, 69.

Riou, Lieutenant
his heroic conduct, 38, 40.
killed at the battle of Copenhagen, 38 (note).
his letter to the Admiralty, 40.
refuses to abandon the Guardian, 40.
injuries received by, 42.
forced to haul the Guardian ashore, 43.
praised by the Admiralty, 45.

Rose Hill
agriculture at, 16, 74.
the harvest at, 20.
capitalists proposed to settle at, 131.
convalescent convicts sent to, 136 and note.
number employed at, 137, 160.
progress of agriculture at, 142.
barracks at, 144.
convicts escape from, 147.
preference given by settlers to Norfolk Island, 159.
See also "Parramatta."

Ross
his relations with Phillip, 1-15, 208.
complaints of, concerning Collins, 1, 2.
disposition of, 1, 6, 7.
he states his grievances, 2, 3.
Phillip's reply, 3.
charges of, denied by Phillip, 4.
considers himself slighted, 5.
Phillip's attempts to pacify, 6.
and the convicts, 7.
gives offence to Hunter and Collins, 7.
recall of, 8, 10.
his conduct disapproved, 9, 15.
places members of Court-martial under arrest, 10, 11.
charged with oppression by Tench, 13.
his dispute with Meredith, 14, 15.
takes command at Norfolk Island, 25.

Ross
his opinion of the colony, 35.
"not a worse country in the world," 36.
relieved, returns to England, 104, 208.
returns from Norfolk Island, 180.
succeeded King at Norfolk Island, 293.
services and death of, 321.

Rowley, Lieutenant
arrival of, in the Pitt, 212.

Royal Admiral, The
stores shipped on, 223.
convicts by, 223, 224.
employed as transport, 224, 225 and note.

Ruse, James
first land grantee, 155.
promises made to him by Phillip, 156.
his harvest, 156.
mode of cultivation, 156.
his antecedents, 157.
successful efforts of, 157 and note.
date of land grant to, 157.
"Experiment Farm," 157 and note.
its history, 157, 158 and note.
additional grant, 158 and note.
beneficial results of success, 159.

Salamander, The
health of convicts on, 175.

Scarborough, The
one of the Second Fleet, 52.
arrival of, at Sydney, 57.
sick and dying convicts on board of, 183.
mortality on, 224.

School
land reserved for, 132.

Scurvy
soldiers and convicts suffer from, 66.

Second Fleet
vessels comprising, 52.
convicts transported by, 52, 77.
arrival of, at Sydney, 52, 80.
inhuman treatment of convicts, 57 *et seq.*
deaths during the voyage, 57.
and after arrival, 57, 154.
contractors for vessels of, 61, 64 and note.
master of Neptune prosecuted, 60, 65.
naval agent in charge of, 62, 65, 66.
arrivals by, 234 (note).

Settlers
from the military class, 21, 113 *et seq.*, 159.
Phillip advocates the immigration of, 74, 75, 81, 115 *et seq.*
necessary to the colony's success, 74, 75.
to be supported by Government, 82, 112, 114, 127.
land grants to emancipists, 112.
no inducements to immigrate, 114.

Settlers
anxious to leave the colony, 124.
Quaker families, 129.
extent of land grant to, 129.
proposals by capitalists, 131.
not entertained, 131.
exposed to attacks from natives, 133.
"Experiment Farm," 157, 158 and notes.
successful if industrious, 158.
the wrong class, 158.
prospects improving, 159.
approximate date of grants, 159.
at Rose Hill and Norfolk Island, 159, 160.
those with capital wanted, 160.
delay in arrival of, 161.
date of arrival of, 161.
conditions accepted by, 161 and note.
location of farms of, 162.
not *bonâ fide*, 162.
industry necessary to success, 162.
expirees unwilling to become, 162, 163.
at Parramatta, 165.
state of the settlement in 1792, 209-228.
prosperous, 231, 289, 290.
improvident, 232 and note.
arrived by the Bellona, 256.
inexpert farmers, 257.
at the Hawkesbury, 258 *et seq.*
prices obtained for wheat by, 266.
selfishness of, 267.
distillation by, 274.
depravity of, 275.

Shah Hormuzear, The
chartered to carry live stock, 170.
arrival of, with stores, 245 and note.

Shapcote, Lieutenant
naval agent in charge of Second Fleet, 62 and note, 65, 66.
death of, 62 (note),
his instructions, 66.

Sheep
See "Live Stock."

Sirius
sent to the Cape for food, 17.
wrecked at Norfolk Island, 29, 186.
deserters from, 146.
wreck of, saved from fire, 193.

Soldiers
See "Military."

Soujee
an article of food, 220 and note.

South Head
signal-station erected at, 22, 23.

Southwell, Daniel
letters of, from Sydney, 22 (note).
placed in charge of signal-station, 22.
located at Watson's Bay, 23.
his garden, 24.

Speedy, The
arrival of, with stores, 250.

Spencer
settler at Norfolk Island, 310.

Spirits
purchasing rations with, 204, 272.
distilled by settlers, 268 and note, 274.
Phillip's and Grose's policies relative to, 270, 271.
purchased by officers, 271, 272.
demoralising effects of, 272.
seizure of, 272.
craving of convicts for, 272.
wages paid in, 273 and note, 274.

Stills
kept by settlers, 268 and note, 274 and note.

Stores
See "Provisions," also "Rations."

Sugar-cane, The
convicts on board of, healthy, 67 (note).
arrival of, with stores and convicts, 246 and note.
attempted seizure of, by convicts, 247.

Supervision
of convicts, 19, 73, 87, 140.

Supply, The
sent to Batavia for food, 33.
returns to Sydney, 34.
deserter from, 146.
as a brig, 186.

Supply, H.M.S.
purchase and arrival of, 187.

Surprize, The
one of the Second Fleet, 52.
arrival of, at Sydney, 57.
takes convicts to Norfolk Island, 152.
sick and dying convicts by, 183.
mortality on, 224.

Sydney
Phillip selects site of, 5.
East and West, 6.
compared with Norfolk Island, 83, 84.
and Parramatta, 84, 85.
in 1791, 85.
construction of a water-tank at, 233.

Tench, Captain
placed in arrest by Ross, 10 (note).
charges Ross with tyranny and oppression, 13.
account of Rose Hill settlement by, 142.

Third Fleet
transports composing, 105 (note), 172 and note, 173.
arrival of, 174.
mortality of convicts on voyage, 174.
after landing, 176, 177.
fraudulent conduct of captains of, 179.
arrivals by, 234 (note).

Thorpe
engaged as millwright, 256.

Timins, Lieutenant
placed under arrest by Ross, 10 (note).
returns to England, 230.

Toongabbie
area cultivated at, 165.
settlement at, 234.
no church at, 277.
prosperity of settlers at, 289.

Townson, Lieutenant
relieves King of military command at Norfolk Island, 309.
succeeds Lieutenant Abbott, 313.
applies for convict labour, 314.

Trail, Captain
prosecuted for ill-treating convicts, 60, 65.

Transportation
system of contracting with shipowners, 64 and note, 67, 68, 69.
a new system of, introduced, 69.
the case of the Queen, transport, 69, 70.
temporary cessation of, advocated by Phillip, 72, 73.
caused by overcrowded gaols in England, 76.
speech of Edmund Burke upon, 76 (note).
to Africa, 76 (note).
half-yearly scheme, 184 and note.

Vancouver, Captain
efforts in procuring live stock, 169.
short of provisions, 170.

Veteran Company
formed from New South Wales Corps, 111.

Waaksamheyd
hired at Batavia, 34.

Watson's Bay
cottages erected at, 23.
a garden at, 23, 24.
site of the cottages, 24.

Wentworth, D'Arcy.
arrival by the Neptune, 153.
appointed assistant-surgeon at Norfolk Island, 153.
appointments at Sydney, 154.

Wheat
the harvest at Rose Hill, 20.
issued unground as rations, 249 and note.
inopportune sowing of, 257.
in lieu of corn, 265 and note, 266.
prices sold at, 266.
yield of, 266, 267 and notes.

Whittle, Sergeant
stationed at Norfolk Island, 304.
See also "Crowder."

Wilberforce
Rev. R. Johnson's friend, 283, 284.

Wilkinson
soldier at Norfolk Island, 305.

William, The
arrival of, with stores, 247, 250.
despatches by, 269.

William and Ann, The
health of convicts on, 175.

Windsor
soldier at Norfolk Island (see Dring), 303.

Woodriff, Lieutenant.
naval agent on the Kitty, 56.
services of, 56 (note).

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